

**TO DESPAIR
OR NOT TO DESPAIR?**
FRED BARNES • WILLIAM KRISTOL

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Standard

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BS

THE PHONY CAMPUS RAPE CRISIS

BY HEATHER MAC DONALD

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COVER: THE WEEKLY STANDARD

Prize-Winning Thug

In the last 20 years, America's political, media, and business establishments have done their best to rehabilitate the image of China's Communist government. After all, there's a lot of money to be made by playing nice with China and looking the other way when Beijing continues to routinely commit human rights atrocities. But despite this massive PR undertaking on behalf of a murderous and oppressive government, it's very hard to spin all of their actions all of the time.

And so the news came down last week that China had handed out a new Confucius peace prize, which is often referred to, without a trace of irony or insincerity, as "China's Nobel Peace Prize." That's because the Confucius prize was set up in 2010 by the Chinese government as an angry response to the Nobel Peace Prize Committee honoring imprisoned dissident Liu Xiaobo.

Fittingly, the recipient of the latest Confucius prize is none other than Zimbabwe's president Robert Mugabe. Far from deserving a "peace prize," Mugabe would be a strong contender if you were giving some sort of award for "Worst Person on Earth." In fact, new documents emerged earlier this

year that seem to prove what was long suspected—that Mugabe directly ordered the Gukurahundi massacres in the mid-1980s, in which Zimbabwe's notorious Fifth Brigade killed 20,000 of his own citizens. And that's just the first thing that springs to mind on



Robert Mugabe

the extensive list of the 91-year-old despot's crimes.

Nonetheless, a statement issued along with the prize characterized his reign of terror thus: "Ever since Robert Mugabe was sworn in as the president of Zimbabwe in the 1980s, he has worked hard to bring political and economic order to the country and to improve the welfare of the Zimbabwean people by overcoming hardship." Even if this statement didn't

essentially libel the innocents Mugabe killed, it's not even remotely true. If "political and economic order" is the relevant yardstick, Zimbabwe is a hell-hole and Mugabe is responsible for the current conditions.

While Mugabe beat out Bill Gates and South Korean president Park Geun-hye for the award, which comes with a gold statue of the ancient philosopher and a cash prize of about \$80,000, he is not the only mass murderer to have received the award. Fidel Castro was given the award last year, allegedly for his efforts to prevent nuclear warfare. Compared with Mugabe and Castro, Vladimir Putin—another past recipient—seems like a choirboy.

If this award reflects the values of the Chinese government, and there's a strong case that it does, the honoring of Mugabe ought to be an outrage. But the ravages of communism and Mugabe be damned, the media know full well who really is history's greatest monster. There's been more ink spilled across more column inches this year condemning the killing of a lion in Zimbabwe by an American dentist than in covering all the human rights abuses in China and Zimbabwe combined. ♦

Tick Tock

Way back in the beginning of September, the media, and in particular STEM-obsessed, politically correct digital outlets, were abuzz with the story of a young Muslim "inventor" falling afoul of school authorities in the suburbs of Dallas, possibly owing to a zero-tolerance policy run amok, possibly because of ethnic profiling. Some of the facts are fairly straightforward: Fourteen-year-old Ahmed Mohamed brought to school a clock he had assembled at



Ahmed meets Omar in Khartoum.

home. A teacher who saw his small ticking box of wires suspected it could be a bomb, or maybe thought

it was just meant to look like one, and the police were summoned.

Before you could say photo-op, Ahmed had been invited to the White House, was deluged with donations to a scholarship fund, and received a host of internship offers from top tech firms, all interested in supporting another young inventive mind.

Never mind that, as skeptics pointed out, the device was simply the inner workings of a 1970s-vintage digital clock, removed from their outer shell and transplanted into a pencil case. Enterprise is enterprise, after all.

Since then, the story has taken a

MUGABE: NEWS.COM

strange turn or two. Before shaking hands with President Obama, Ahmed and his family were the guests in Khartoum of the genocidal war criminal and president of Sudan, Omar al-Bashir (the father is Sudanese by birth). And it seems that the offers from American firms weren't quite sweet enough. The Mohamed family is moving to Qatar, where Ahmed will be able to take advantage of a unique educational opportunity in the Gulf state.

"I was really impressed with everything that Qatar Foundation has to offer and the campuses are really cool," Ahmed said in a statement. "I got to meet other kids who are also really interested in science and technology. I think I will learn a lot and also have lots of fun there." His family says that he was the recipient of a scholarship from the "Young Innovators Program."

Texas papers report the Mohamed family is very excited about the possibilities of life in the Middle East. "Looking at all the great offers we've had, it's the best decision," said Eyman Mohamed, Ahmed's 18-year-old sister. "They even have Texas A&M at Qatar. . . . It's basically like America."

Basically like America? While Eyman and Ahmed's father has railed against the Islamophobia of Texas, the country the family is moving to has a human rights record described by Human Rights Watch as "problematic" with a "poor record on freedom of expression [that has] declined further." In any event, the American chapter of this strange saga has come to an end, but THE SCRAPBOOK suspects that there is more to this story than meets the eye. ♦

Student Standouts

THE SCRAPBOOK's expectations of student journalists are not super high (we were one once ourselves, and we had a lot to learn). So we're always pleased when they rise to the occasion. One who did was Bryan Stascavage, a staff writer for the *Wesleyan Argus*, who published a

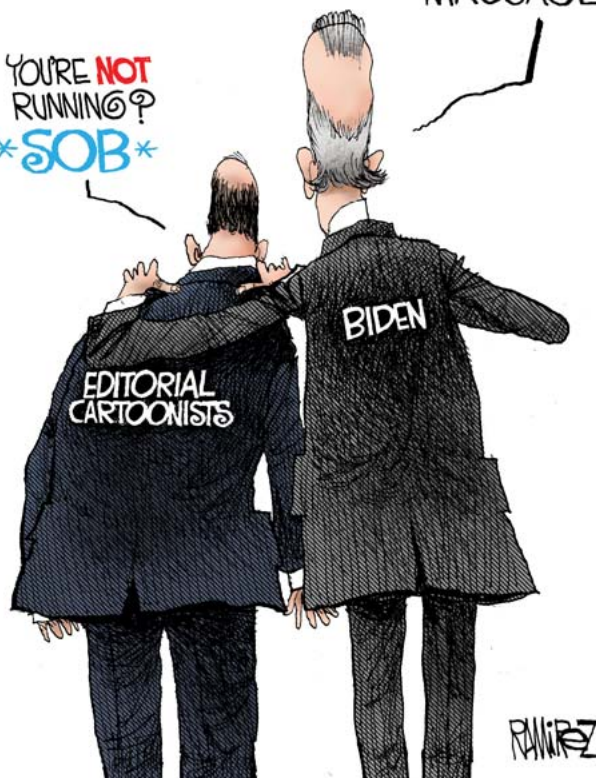
column last month mildly critical of the Black Lives Matter movement. "I know many of us here at Wesleyan realize that most police officers are good people simply doing a service for their community, and that there are only a few bad apples. But those chanting to fry the pigs seem to have missed this message."

Another who did was Idrees M. Kahloon, who last week in the *Harvard Crimson* memorably described what happened at Wesleyan in the aftermath of Stascavage's column:

Something is rotten in the state of Connecticut. It all started one month ago, when the *Wesleyan Argus* had the audacity to publish an op-ed critical of the Black Lives

THERE, THERE...
YOU STILL HAVE
HILLARY, BERNIE
and the DONALD...
HOW about a
FULL-BODY
MASSAGE?

YOU'RE NOT
RUNNING?
SOB



Matter movement. Soon came the wrath of that new breed of student, incapable of confronting opposing opinion and quick to call for radical intervention, who filed a petition to defund the *Argus* unless their demands were met.

Among them: that editors attend a mandatory social justice training every semester and that a dedicated space be provided on every front page exclusively for marginalized groups. Until then, boycotters of the paper have pledged to destroy copies of the paper on campus. . . .

Opinion pages aren't echo chambers. In the best of worlds, they publish original ideas, factually supported and logically structured, on any topic—especially those deemed unpopular to most. Rather than cater to the demands of the most vocal activists of the day or the values of

the silent majority of their readership, opinions pages present arguments and viewpoints that uplift, depress, excite, and enrage us—not to comfort us in the righteousness of our own beliefs, but to confront them, their messy contradictions and shaky assumptions, head-on. . . .

It's disappointing then that the *Argus* editors have largely acquiesced to the criticism, rather than forcefully denouncing its wrong-headedness. A front-page editorial apologized "for the distress the piece caused the student body" and its "position of power on campus."

"We failed the community on Tuesday in many ways." They promise to publish a "Black Out issue" written entirely by students of color.

No. There was a chance there to stand for something, for the hard-fought gains of the free speech movement that are now threatened everywhere from Michigan to California, rather than kowtowing.

The newspaper only failed its community when it refused to stand up for itself.

We couldn't have put it better ourselves. Kahloon's column was headlined "Stalinists in Our Midst," using a word sometimes carelessly thrown around but in this case perfectly apt. ♦

Must Reading

THE latest issue of *National Affairs*, THE SCRAPBOOK's favorite quarterly magazine, has arrived, and it's another winner. Among the highlights: Frederick M. Hess on Obama's (lamentable) education record, our colleague Irwin M. Stelzer on antitrust concerns raised by hospital mergers, and Tevi Troy with a very timely look at how Congress might do a better job with its hearings.

But our favorite essay, for personal and professional reasons, is Adam Keiper's look back at the *Public Interest*, on the 50th anniversary of that influential quarterly's founding by coeditors Irving Kristol and Daniel Bell. The

personal reason is easy to explain: Your correspondent, in its formative years, was an assistant editor at the *Public Interest*. And being a member in good standing of the journalistic guild, magazine division, we tend to enjoy reflective essays on the life and times of great magazines.

We hope you will share our enthusiasm. You can read Keiper's piece (and subscribe while you're at it) at nationalaffairs.com. To tide you over, here's a little taste:

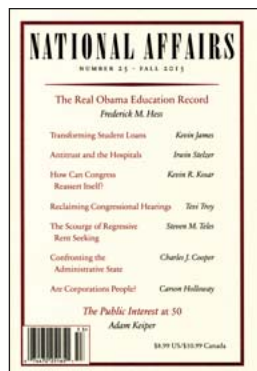
"For sheer panache, no essay in the first issue of *The Public Interest* beats Robert Nisbet's critique of tenure for university professors. Nisbet, himself a tenured professor of sociology at that point at the University of California, Riverside, takes to his subject with gusto: 'Once attained by an individual,' tenure is 'proof against virtually any degree of moral obliquity, mental deterioration, or academic torpor.' The presence of 'permanent professors' in higher education has had the result of 'crippling departmental teaching and research programs, and stupefying generations of students.'

"In the half-century since Nisbet wrote, tenure has been a matter of recurring controversy. Just this year, for example, Governor Scott Walker signed into law a budget that opens the door to changing tenure policy at the University of Wisconsin. But the landscape of American higher education

has changed considerably since Nisbet criticized permanent professorship, and today's critics of tenure may be unaware of the extent to which colleges and universities now depend on untenured adjunct professors and lecturers, who are paid much less than tenured faculty and who can be hired or fired at will. They may also be unaware of the extent

to which conservative-minded professors now depend on tenure for even minimal job security."

As we often say, you'll want to read the whole thing. ♦



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Boris in the Flesh

I'm a sophisticated guy. A deep thinker, even. Shallowness's scourge, you might say.

At least that was my line 10 or so years ago, as my family embarked on a trip to Southern California. My younger sister, then around 14, proclaimed before our departure that she hoped we would see a celebrity on our trip.

In reply, I unleashed a torrent of late-teenage pomposity. I deplored America's "celebrity culture"—who are those philistines who read *People*, browse TMZ, and watch *Inside Edition*? After all, I philosophized, what's so special about the "famous," anyway? They're only as human as you and me. Even the president of the United States sometimes must stand naked, as Bob Dylan noted. (*Bob Dylan's Greatest Hits*: Where would pretentious 18-year-olds be without it?)

For the first few days, we ran into no one famous. Who knew: Real movie stars don't hang out at the theme park section of Universal Studios, or in front of Mann's Chinese Theatre. And, *quelle surprise*, no famous people came out to greet us as we skulked creepily by their homes on the "Houses of the Stars" bus tour.

But then, just as our trip was drawing to a close, I spotted Walton Goggins smoking a cigarette outside a Starbucks in Hollywood. While Mr. Goggins was (and is) decidedly B-list, I immediately recognized him as the bug-eyed, super-frenetic Detective Shane Vendrell from FX's *The Shield*. *The Shield* was my favorite television show at the time. And Shane just happened to be my absolute favorite character.

My heart immediately started racing, my palms grew sweaty, and my vision went blurry. Despite this sheer animal exhilaration, I man-

aged to approach Mr. Goggins and engage him in a friendly conversation for a couple of minutes. (At least I think I did—I was far too excited during the encounter to remember much of it afterwards.) After my brush with greatness was over and we were walking away from the Starbucks, my mother asked me, with concern, whether I was okay. Apparently I was hyperventilating. And my sister just laughed at me: Who doesn't



care about seeing celebrities now? A fair point, I had to admit. In the subsequent years, when I had brushes with other famous people—Rod Stewart, Dustin Hoffman, Judi Dench—I didn't quite go Full Goggins, but I'll admit I was excited.

Then I moved to Washington a few years back, and the excitement continued. For a certain kind of person, D.C. is celebrity-sighting heaven; unlike Los Angeles, Washington proper is quite compact, so its famous-person population density is high. Within days of my arrival, I was having sightings. That person in front of me in line at the coffee shop—didn't I see her out of the corner of my

eye on MSNBC at 2:00 P.M. the other day? Huge! That guy walking out of the restaurant near my apartment— isn't he a congressman from Kansas or something? Mega! And whenever I spotted famous people I could actually name (Ben Bernanke enjoying lunch at Le Pain Quotidien was a good one; so was Paul Ryan striding through the lobby of my office building), I would quickly send a text message to an uncle who cares about this sort of thing.

And yet, as time has passed, I've become jaded in that boring Washington way. Witnessing Sam Donaldson get out of his car just doesn't do it for me like it used to; it's become ho-hum—positively quotidian. When I walked past Cokie Roberts on a downtown street the other day, I barely remembered to send a text message to my uncle. She's just a person, after all. And I, of course, am a sophisticated fellow.

A couple of weeks ago, I was walking through the neon-drenched streets of the Dotonbori district of Osaka. Despite being distracted—and nearly blinded—by the flashing lights, teenage fashionistas, and robotic animals hanging above restaurant entrances (I particularly like the mechanized octopus that sits atop a famous octopus fritter joint), I noticed up ahead on the sidewalk a group of Westerners walking toward me—when you're a *gaijin* in Japan, you always notice the other foreigners. One of them had a head of tousled blond hair, and as he got closer, I realized it was Boris Johnson, the mayor of London and potential British prime minister. As he approached me, I called his name, and he turned to me, looked me squarely in the eye, and said, "Good afternoon."

About 10 minutes later, as I boarded the subway back to my hotel, I stopped hyperventilating and my pulse returned to normal. As I said, I'm deep that way.

ETHAN EPSTEIN

Enter Ryan, Exit Biden

‘Republicans in Turmoil!!” “Chaos Confounds GOP Congressmen!!” “Catastrophic Conservative Crack-Up Imminent!!!” “Trump Likely GOP Nominee!!!!!!!!!!!!!!!!!!!!”

All nonsense.

It’s true that there have been a couple of bumps on what was hoped would be a smooth path to a happy outcome in November 2016. A boulder or two has appeared, as if out of nowhere, to make the trail to victory a bit more hazardous than was anticipated. And yes, the weather won’t always be sunny as the railroad chugs toward a conservative future.

So what else is new in the typical maelstrom of modern American politics?

Consider: One month ago, John Boehner announced he would step down as speaker of the House. Some—perhaps much—of the blame heaped upon him for the problems afflicting House Republicans was unfair. But life is unfair. It was time for him to go. And though the majority leader, Kevin McCarthy, is a good guy and an able politician, it was not—as he quickly demonstrated—the time for him to become speaker. There followed a touch of turmoil and a dash of drama, all of which the media found deeply significant though it was utterly transient. What it has produced is as good an outcome as Republicans and conservatives were going to get, Paul Ryan as the new speaker.

Consider: Repeated polls over the last several weeks have shown that Joe Biden would be a stronger opponent in the 2016 general election than Hillary Clinton. Now Biden has bowed out of the race. The nominee could be Hillary Clinton, who has approval/disapproval ratings way below those of anyone who’s ever won a presidential election. The nominee could conceivably be Bernie Sanders, a 74-year-old socialist from Vermont. Perhaps some third person will have to come in late and try to save the party after Hillary is done in by her server and emails and Bernie is judged too far left even for the post-Obama Democrats—perhaps Joe Biden, reentering the fray, or John Kerry or Al Gore or Elizabeth Warren. In any of these cases, from Hillary to Bernie to some other Social Security recipient, the fact is that in 2016 Republicans

are likely to face the type of Democratic nominee they’ve been waiting for.

And consider: The Republican establishment and the mainstream media—two of the more clueless entities gracing contemporary American politics—have both decided in the last several days to become hysterical over the prospect of a Donald Trump nomination and presidency. Having refused to try to understand the Trump phenomenon, Republican bigwigs and media poobahs have decided to freak out about it.



Needless to say, the expressions of panic are a perfect contrarian indicator: In a new Quinnipiac survey in Iowa, Trump has now slipped to second place, 8 points behind Ben Carson. We can be reasonably confident that Donald Trump is not going to steamroll to the nomination. And Ben Carson (the more impressive of the two, in truth) is most probably not going to be the nominee either—though if he is, he will in a way have proved both that he deserves it and that he would be formidable in the general election.

Still, a Carson nomination remains unlikely. So does a victory for Jeb Bush, the original frontrunner who turns out to be so out of sync with the times that

it’s hard to believe he can stage a comeback—though one would have to say that if he does, he would have proved that he is less out of step than it has seemed, and in that case he might be a formidable general election candidate as well.

Who knows? Presumably the nominee could well be Marco Rubio or Carly Fiorina or Ted Cruz. But given the fluidity and uncertainty and unpredictability of the moment, if there are other serious people who think they might be a better general election candidate or a better president, they should run.

In any case, there is no reason for panic or despair or even, really, discouragement. We should follow the British government’s admonition in 1939 to Keep Calm and Carry On. As for those who might be capable of seizing the mantle of leadership, one can only echo Lord Nelson’s words to his fellow Englishmen from HMS *Victory* at Trafalgar 210 years ago: America expects that every man will do his duty.

—William Kristol

Democrats and Iranians Celebrate

Last week, Senate and House Democrats threw a party to celebrate the adoption day of Obama's Iran deal. Ninety days after the White House signed the deal in Vienna, Obama directed the United States government to lift sanctions on Iran, the Democrats listened to a string ensemble in Washington, and all present pretended it was a joyous occasion.

The Iranians at least have honest cause for celebration. Shortly after adoption day, Supreme Leader Ali Khamenei announced his qualified approval of the deal. It's fine, said Khamenei, so long as no one tries to reimpose sanctions on Iran. In that case, Tehran will walk away from the deal, having already pocketed hundreds of billions of dollars in sanctions relief and new commerce.

No matter what the White House has claimed about its cleverly designed mechanisms to keep the Iranians from cheating, there will be no "snap-back" sanctions on Iran, nor will there will be any pushback on Iranian aggression across the region, as the White House also promised. If the administration tries it, Iran will abandon the deal—Obama's signature foreign policy achievement. In other words, Khamenei is effectively in the driver's seat in the Middle East—as he has been since the beginning of Obama's presidency in 2009, when Obama handed over the wheel.

Future historians of this period will be grateful for the relative transparency of the regime in Tehran, as they would otherwise be forced to decode years of nonstop spin from the Obama administration. Unlike the White House's various friends in the media and academy, Khamenei tells it like it is. For instance, according to a Khamenei tweet last week, Obama promised in two letters that the United States would not seek to topple the clerical regime.

Such promises are the opposite of what you would expect from a savvy negotiator, who might have used such a threat to drive a harder bargain with the Iranians. But Obama was credulous rather than savvy, and was led to understand that he could hardly expect the Iranian regime to negotiate with a superpower that threatened its existence. Obama thought that if he wanted to make a deal with Tehran, and thereby secure his historical legacy, he would have to provide assurances. And he made good on his promise to Khamenei in June 2009, when the Green movement took to the Iranian

streets to protest an almost certainly fraudulent election. Obama said too little and way too late—the moment of crisis passed, and ever since the regime has been secure.

It's interesting to note that a U.S. assurance to forswear regime change was one of the key bargaining chips outlined in what's come to be known as the Grand Bargain. You may recall that more than a decade ago, during the Bush administration, there was talk of a sweeping deal between the United States and Iran that would resolve a host of outstanding issues, especially the nuclear weapons program. Leaving aside whether any such deal was ever on the table, it's instructive to look at some of the alleged terms of the deal and compare them with what this White House has in fact accomplished.

In exchange for, among other things, Iran's ceasing its support of terrorism, agreeing to comply with the International Atomic Energy Agency (IAEA), and ending attempts to develop or possess weapons of mass destruction, the United States would not only leave the regime in peace, but also acknowledge Iran's right to enrich uranium, respect its regional security interests, and lift all sanctions. These were all issues that were supposed to be resolved through the course of negotiations. Instead Obama gave the Iranians what they wanted up-front.

In another letter to Khamenei, Obama acknowledged Iranian security interests when he promised that he wasn't going to touch Iran's ally Bashar al-Assad in Syria. As for acknowledging Tehran's right to enrich uranium, Iranian negotiators made this a precondition for talks. The White House also provided sanctions relief that allowed the Iranian economy to start to recover. It seems that the whole point of the negotiating process, as the White House saw it, wasn't to get anything in return, but rather to make the world's leading state sponsor of terror feel safe, and show them they could at last trust America. It's hardly surprising that Obama got nothing in exchange for handing away almost everything.

Iran isn't curbing its support for terror. Rather, Tehran's war in Syria is evidence it is ramping up its support for terrorism. Last week's ballistic missile test shows that Iran has no intention of stopping any part of its nuclear weapons program, including the delivery mechanism for a weapon of mass destruction. Nor is the White House overly concerned that Iran comply with the IAEA. Whether Iran satisfies the nuclear inspection agency's concerns regarding the possible military dimensions of the program, the administration said last week, is between Tehran and the IAEA.

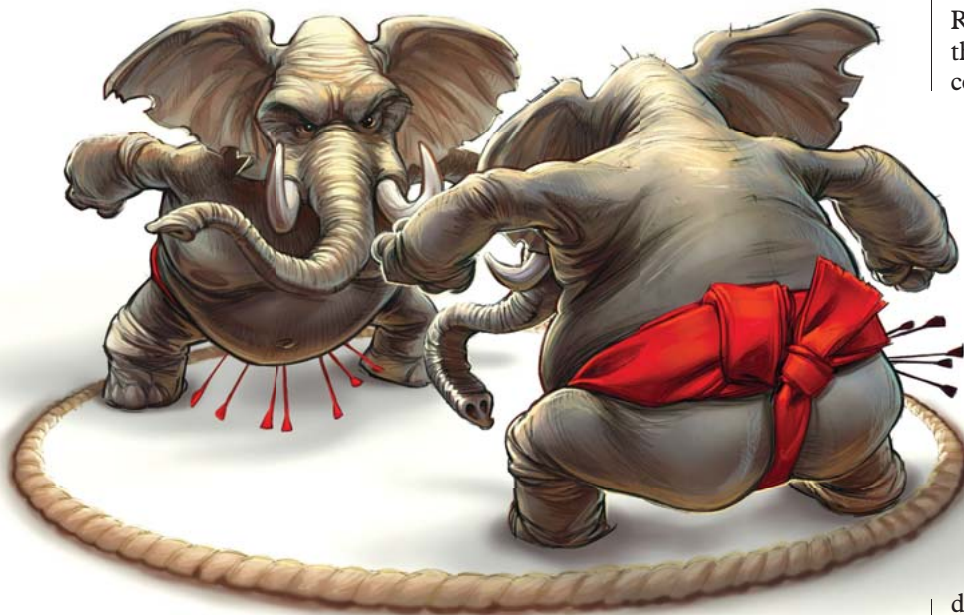
So, the White House pretends, there's not a thing the United States can do about Iran's behavior. Of course there's lots the United States could do, but it would mean saying enough is enough and trashing the deal. But a choice between actually protecting American interests, allies, and our national security, and safeguarding what has been fancifully sold as an Obama foreign policy achievement, is for the Obama White House no choice at all.

—Lee Smith

Strife of the Party

The GOP is ready to grumble.

BY FRED BARNES



Republicans are in trouble. A significant bloc regards their congressional leaders—House speaker John Boehner, Senate majority leader Mitch McConnell, and their underlings—as enemies. A quarter or more of grassroots Republicans think Donald Trump should be president. And to make things worse, Hillary Clinton has a glide path to the Democratic presidential nomination in 2016, making her tougher for any Republican to beat.

Paul Ryan's elevation as speaker, assuming it happens this week, will ease the furor of dissident Republicans. But the differences between them and GOP leaders, including Ryan, have not gone away. When issues like increasing the debt limit and new spending arise, Ryan and the archconservative faction may split angrily.

The contrast with Democrats is striking. They're united. Senate

Democrats have the ability to block GOP initiatives by filibuster, as they did with efforts to defund Planned Parenthood and outlaw sanctuary cities. If a filibuster fails, President Obama is ready to veto almost anything Democrats dislike.

Let's examine the problems of Republicans one by one, starting with the rebellious faction in the House. It was dismissed as a band of "chuckleheads" when there were only a dozen or so of them. Now there are roughly 40 members of the Freedom Caucus, and they have important allies.

Forty out of 247 House Republicans seems small. But they are impatient and motivated and were willing to use maximum leverage to block Republicans from electing a speaker to succeed Boehner. When they abandoned Boehner on a "motion to vacate" the speaker's post, he was doomed. The same was true for majority leader Kevin McCarthy when he ran for speaker. Neither had the 218 votes to win.

The loudest complaint of the

Freedom Caucus is that GOP leaders haven't waged war against Obama and have settled for poor compromises with Democrats, such as the budget deal Ryan negotiated in 2013 with Patty Murray, his Democratic counterpart in the Senate.

Their clout is enhanced by support from influential conservative groups. Red State, Heritage Action, Breitbart, the Drudge Report, and much of the conservative talk radio universe are allies, as are prominent conservatives Ann Coulter, Brent Bozell, and Sean Hannity of Fox News. Drudge posted five anti-Ryan links in one day last week, and Bozell gave Ryan a grade of "F" on conservative issues.

The dissidents have a problem with two numbers, 60 and 67. Republicans need 60 votes in the Senate to quash a filibuster. With only 54 Republicans, they need 6 Democrats. On the Iran nuclear deal, 4 Democrats voted with 54 Republicans. The resolution to disapprove the deal died. Despite failing to defund Planned Parenthood, the dissidents continue their effort. But it's futile. And there's no possibility of getting the 67 votes needed to override an Obama veto. Still, they argue that keeping alive the issue of Planned Parenthood's sale of fetal body parts is worthwhile.

Their major disagreement with Ryan and the majority of congressional Republicans is over closing the government. Whatever the issue, whoever prompts the closure, shutdowns are blamed on Republicans. It's unfair, a product of media bias. Republicans have yet to recover fully from the shutdown in 2013, according to Gallup. Even approval of the GOP by *Republicans* "is still slightly below the pre-shutdown level," Gallup found.

The second problem is Donald Trump. He has thrilled many rank and file Republicans. Ron Brownstein of *National Journal* says the blue-collar, noncollege wing of the Republican primary electorate has "consolidated" around Trump. Chances are, these Republicans won't cut and run from Trump any time soon, even when he

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DAVE MALAN

tweets that Iowa Republicans who put Ben Carson ahead of him in a poll last week have “issues in the brain.”

That means Trump, with a solid base, could win the Republican nomination—not likely, but possible. That would probably be a disaster for the Republican party and the candidates for the House and Senate below Trump on the ballot. Trump’s negatives are so high his prospects of beating Clinton in the general election are very poor.

The rule of thumb for 2016 is that Republicans must increase their appeal to immigrant groups and minorities. Mitt Romney got 27 percent of the growing Hispanic electorate in 2012. To win in 2016, the GOP nominee needs roughly 40 percent or more. Trump, having insulted Hispanics, won’t get there. And the notion he would expand the white vote is a myth.

The third problem was caused by Joe Biden. By declining to run, he left the Democratic race firmly in Hillary’s control. Absent Biden, it won’t be a normal campaign in which opponents use the negative information at their disposal to win. Just recall how Romney’s rivals pounded him.


We know Bernie Sanders, Martin O’Malley, and Lincoln Chafee aren’t going to attack her on shoddy ethics and lying, her unsecure emails, and the dubious Clinton Foundation fundraising while she was secretary of state. They backed off meekly in the first Democratic debate.

But Biden might have raised those issues, perhaps noisily, if only because he couldn’t win the nomination without doing so. He’d have had to be Tough Joe, not Nice Joe. But he didn’t have the stomach for it, nor the guts to face down a ferocious pushback by the Hillary brigades. He leaves behind an abnormal primary campaign, with a Teflon frontrunner.





Republicans are likely to experience more suffering. The dissidents have tasted blood in ousting Boehner and blocking McCarthy. Ryan better prepare. Trump? If he begins to fade, he’ll make other Republicans pay for his pain. He’ll blame everyone but himself. And Hillary’s smile won’t look fake anymore. ♦

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The Trudeau Restoration

Canada veers left.

BY KELLY JANE TORRANCE

Richard Nixon visited Canada just once during his presidency. He's also been dead 20 years. But he was about the only person to correctly call last week's Canadian election.

On April 13, 1972, at a state dinner in Ottawa, where he addressed Parliament and signed the Great Lakes Treaty, Nixon raised his glass to Pierre Elliott Trudeau's 4-month-old son. "Tonight, we'll dispense with the formalities. I'd like to toast the future prime minister of Canada: to Justin Trudeau."

For much of the 78-day campaign, Canada's major parties—the ruling Conservatives, the official opposition New Democrats, and the Liberals—were locked in a statistical dead heat. Only in the week before the October 19 election did the Liberals break out, and even then, most pundits predicted a minority government. But Justin Trudeau will have a comfortable majority as Canada's 23rd prime minister, with 184 of 338 seats. Stephen Harper, prime minister for nearly a decade, saw his party go from 166 to 99 seats. While the American chattering class wrings its hands over the prospect of a dynastic Bush-Clinton presidential race next year, Canadians enthusiastically handed the more powerful position of prime minister to a tattooed 43-year-old who owes his entire, undistinguished political career to his surname.

In Canada, it's 1968 all over again. That's the last time the Liberals



elected a member of Parliament in Calgary, the center of Alberta's oil industry and a Conservative stronghold, and it was a Trudeau who made it happen then, too. "Trudeau-mania"—the phenomenon has its own Wikipedia page—marked the first time a Canadian politician was greeted by ecstatic young women like

a member of the Beatles. When Pierre Trudeau became prime minister that year, the *Vancouver Sun* described him on the front page as a "swinging young bachelor." He was 48 and losing his hair, but his charm had more to do with his unlikely combination of devil-may-care attitude and intense intellectuality. He was a lawyer and law professor with a master's in political economy from Harvard, but never stood on ceremony: "*Mangez de la merde*," he told striking mail truck drivers who jeered him in Montreal.

In 1971, he married Margaret Sinclair—a woman 30 years his junior who made front pages herself with exploits at Studio 54—and later that year Justin was born.

The Trudeaus' firstborn turned out unremarkable (except for his beauty), and no one but Nixon predicted he'd follow in his father's footsteps—until his father died. Justin was living in Vancouver, fond of the nearby ski slopes, and working as a drama teacher when the former prime minister passed away in 2000. His electrifying eulogy at the state funeral made him instantly famous. A single speech had launched a career—just like Barack Obama's at the 2004 Democratic convention. He didn't enter elected office until 2008, though, and reportedly considered leaving before he became leader of the Liberals in 2013.

Even the *New York Times*, in its above-the-fold front-page story the day after the election, seemed surprised by his win: "Despite his famous name, Mr. Trudeau was an untested figure who lacked the rapier intellect of his father." But as Pierre Trudeau himself once declared, "The essential ingredient of politics is timing." And Justin Trudeau, a millionaire married to a gorgeous television host, has been lucky his whole life.

The 56-year-old Harper made Canada the best-governed country in North America, but Canadians are often uncomfortable with success. Harper reduced the size of the federal government and lowered taxes both personal and corporate—American companies like Burger King took

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THOMAS FLUHARTY

notice and moved their headquarters north. Canada weathered the 2008 financial crisis better than just about any other industrialized nation. But low oil prices led to a recession this year, small scandals in his government started to pile up, and soon Canadians realized they were tired of “the nerd who came from nowhere,” as a headline in the Harper-friendly *National Post* called him during the campaign. You have to go back a century to find a Canadian prime minister who won a fourth term. Most seem to retire or get kicked out of office around the 10-year mark—even the beloved Trudeau, who lost an election in 1979 but regained the prime ministership the next year.

Pierre Trudeau remains a controversial figure, but there’s no denying his biggest accomplishment: He repatriated the Canadian constitution. His son is unlikely to leave such a legacy, but he does look set to make the country Canadian again. Americans were surprised when ads in the *New Yorker* trumpeted the fact Canada’s corporate tax rate had fallen below America’s. Wasn’t Canada that socialist paradise Alec Baldwin promised to move to when George W. Bush was reelected? Canadians are proud of their military history—the country was crucial in liberating Holland in World War II, for example—but most Americans think of them as the consummate U.N. peacekeepers. Harper, though, was the only Western leader to join Benjamin Netanyahu in advocating against the U.S.-Iran nuclear deal; Canada closed its embassy in Tehran three years ago.

As a headline in the *Toronto Star* had it, “Ottawa returns to normal after Stephen Harper’s dark decade.” Trudeau promises to cut taxes for the middle class and small business, but plans to create a new, higher tax bracket for those making more than \$200,000 a year. Harper announced a budget surplus—yes, a surplus—of \$1.9 billion this year, but Trudeau plans to run deficits until 2019 to pay for \$60 billion in new infrastructure spending. (Even before the polls had closed, Bloomberg Canada tweeted,

“Canadian dollar weakens as Liberals seen winning election.”)

Trudeau does share Harper’s stance on the most important U.S.-Canada concern, though: He supports the Keystone pipeline that would bring Alberta oil to the United States, a project Obama has single-handedly scuttled. Trudeau’s support for the industry is the one place he breaks with his father, whose regulation of the sector through the National Energy Program is the reason Liberals were shut out of Calgary for almost half a century.

But even Calgary was susceptible to a second bout of Trudeaumania. Justin doesn’t have the way with words his father had, but now and then, he showed some of the same roguish charm. The Royal Canadian Air Force has been hitting ISIS in Iraq, but the country’s next prime minister used a dirty joke to announce he’d end the strikes: “Why aren’t we talking more about the kind of humanitarian aid that Canada can and must be engaged in, rather than trying to whip out our CF-18s and show them how big they are?” ♦

An Unenviable Job

The next president’s daunting to-do list.

BY NEIL BRADLEY & BRIAN HOOK

As we approach the third Republican presidential debate, conservatives should consider what they expect the next president to accomplish.

We certainly want the next president to repeal and replace Obamacare, undo the disastrous Iran nuclear agreement, and finally address the problem of illegal immigration. But after eight years of a president who promised to “transform” America, the “to-do” list is actually much larger.

The domestic and national security challenges that await the next president will require a candidate who can set to work the day after the election to assemble a talented team, establish clear priorities, and prepare a comprehensive plan of action.

Here are just a few of the issues that will need to be part of such a plan:

Since Obama took office, over three dozen agencies have issued over 2,500

regulations that impose excessive costs on families and businesses. Over the next 15 months, Obama’s bureaucrats will hurriedly push a flurry of additional regulations out the door.

The administration has notoriously turned to the “pen and phone” strategy. Federal agencies have issued countless directives and guidance memos, and have entered into legal consent decrees that have the effect of substantially altering federal policy. This imperial administration has even gone so far as to change policy, such as delaying parts of Obamacare, through blog posts and press releases. How many of these types of policy changes have been issued is unknowable, because there is no central database for nonregulatory actions. The next administration will need to review these regulations and policy documents and decide whether to rescind, modify, or replace them. This will require committed, competent executives and managers in every agency.

In addition to staffing the White House, the next president will need to fill about 3,000 policy-related

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positions (not counting ambassadors, U.S. attorneys, and marshals) across the vast federal government. Of these, about 800 will require Senate confirmation. The longer it takes to fill these positions, the longer the new administration will be delayed in reversing Obama's policies.

Within weeks of taking office, the new president will submit a budget plan to Congress, which will serve as his or her first opportunity to begin rebuilding our nation's military. Consider that today's Navy is smaller than at any time since before World War I, that by 2019 the active-duty Army will have shrunk to a pre-World War II level, and that the Air Force before long will have lost half its fighter, bomber, and surveillance assets. The next president must restore American strength and, at the same time, determine the size, shape, and posture of America's military for the next generation.

While savings from within the Department of Defense will help cover some of the costs of rebuilding the military, it is clear that the next president will need to increase overall defense spending.

At the same time, the president will face a rapidly deteriorating federal budget. According to the Congressional Budget Office, deficits will begin rising an average of 10 percent a year right after the next president takes office. Absent reform, the government will spend more on interest on the debt than on Medicaid by the end of the next president's first term.

Tackling this fiscal reality requires reforming entitlement programs; and on that Washington has waited too long already. With the retirement of the baby-boomers, Medicare enrollment will increase by an average of nearly 10,000 seniors every day.

Reforming Medicare, Social Security, and Medicaid will require the next president to have not only sound policies but also the ability to navigate the political landmines that for so long have stymied conservative attempts at reform. For example, when House Republicans first proposed reforming Medicare, they grandfathered

in all those 55 and older. Today the grandfathering applies to those 56 and older. By the next president's first year in office, the comparable age will be 58 and over.

The next president must also address the problem of weak economic growth. Largely because of demographic changes—more retirees and fewer workers—future potential economic growth, at 2.1 percent a

Deficits will begin rising by 10 percent a year. Absent reform, the government will spend more on interest on the debt than on Medicaid by the end of the next president's first term.



Relax—maybe you'll lose.

year, is forecast to fall well below the 3.1 percent average of the last several decades. Anemic growth directly challenges the historic assumption that rising wages and upward mobility will leave each generation better off than the last. More than any of his or her predecessors, the next president will be challenged to create the environment for a sustained economic expansion and wage growth.

While tax reform is a central element to growing the economy, it alone will not be sufficient. The next president will need to pursue reform of our regulatory, legal, and patent systems; develop a new energy strategy; strengthen cybersecurity; and improve education and skills training—to name but a few critical initiatives.

This will require working with Congress, which, after six years under the current president, has largely forgotten how the process of negotiation and enacting legislation is supposed to work. When you consider that only 35 percent of the Republicans in the House have served with a Republican president, it is clear that the next president has enormous challenges and opportunities when it comes to forging a working relationship with Congress.

Working with Republicans in Congress, however, will not be sufficient. There is virtually no chance Republicans on their own will have the 60 votes required to advance most legislation in the Senate. Furthermore, attempting to enact legislation strictly along party lines, as Obama did in his first two years in office, risks the kind of polarization that makes sustained progress towards reform difficult. Which is to say, the next president will also need to work with Democrats to build consensus.

The next president must also restore relations with America's allies. From Mexico to Israel, from Ukraine to Japan, from India to Columbia, across the globe allies have lost confidence in American leadership and resolve. President Obama has sorely neglected our allies and lavished time and attention on adversaries such as Iran, Russia, and Cuba. Believing that concessions will soften adversaries, President Obama passively watches as these countries displace American leadership. Rebuilding the trust and confidence of our allies and restoring the healthy fear of our adversaries will require a focused effort on the part of the next president.

Tackling two or three of these issues would consume the ability of a typical administration. But the next president to succeed will need to take on all these challenges plus the many more that will flower over the balance of the Obama presidency.

As we continue to evaluate the candidates, we owe it to ourselves and to the nation to measure their skills against this daunting to-do list. ♦

A New Baby Parts Scandal

Life imitates Soviet disinformation.

BY MARIAN LEIGHTON

The continuing controversy over Planned Parenthood's sale of tissue and organs from aborted fetuses for research is eerily reminiscent of a Soviet disinformation campaign during the 1980s that accused the United States of kidnapping and killing babies and children in the Third World in order to sell their organs. Soviet propaganda did not mention aborted fetuses—perhaps because abortion in the Soviet Union was rampant and unremarkable—but it fabricated information about American trafficking in body parts for transplant in order to incriminate a profit-hungry capitalist system.

Although the details of Planned Parenthood's activities do not conform precisely with Soviet allegations, the moral imperative is stark and unequivocal. A series of undercover videos recorded by a pro-life advocacy organization documents Planned Parenthood's practice of performing abortions in a manner designed to preserve fetal organs intact for sale. The casual manner in which officials of Planned Parenthood discuss this practice while eating lunch is particularly unsettling. Against this backdrop, the old Soviet lie no longer seems so far fetched. It has returned to haunt us.

The Kremlin was a master of disinformation, a tool that it employed to mislead and manipulate a target audience—an audience that in the case of the body parts campaign was public opinion both in America and abroad. The ruling Communist Party

of the Soviet Union constructed an entire apparatus within the KGB (the Soviet intelligence service) to formulate and disseminate disinformation on themes created by the party's Central Committee. KGB chief Yuri Andropov, who later became the top Soviet leader, elevated the service's



*Soviet anti-American poster, 1986:
Murderers must answer for their crimes!*

Disinformation Department to the status of an independent directorate to signify its importance.

The alleged U.S. sale of organs from babies and children was one of the prime topics of Soviet disinformation, along with claims that the AIDS virus was developed and deliberately spread by the U.S. military, that the CIA had a hand in the 1978 mass suicide of

914 members of the Peoples Temple in Jonestown, Guyana (where the victims were forced to drink poison-laced Kool-Aid), that Washington was complicit in the murders of Rev. Martin Luther King Jr. and Swedish prime minister Olaf Palme, and that the CIA provided “ideological inspiration” to the killers of Indian prime minister Indira Gandhi. In 1979 Soviet disinformation agents spread a false rumor that the United States was responsible for the seizure of the Grand Mosque in Mecca by opponents of the Saudi Arabian regime—a charge intended to jeopardize U.S. relations with Arab and Islamic nations.

A book entitled *Once Again About the CIA* that was published by the Soviet news agency Novosti in 1988 (not, it is worth noting, in Stalin's heyday, but at the height of Mikhail Gorbachev's reforms) alleged CIA involvement in the assassination attempt against Pope John Paul II. The book's cover featured an illustration of bloody corpses superimposed on the CIA's seal and reportedly was distributed in waiting rooms reserved for foreigners at Soviet airports.

Soviet disinformation typically appeared first in liberal and left-wing news outlets in Europe and the Third World. The government-controlled Soviet media would then disseminate the articles worldwide, attributing the information to non-Soviet sources. Newspapers and TV stations around the world in turn would unwittingly replay the allegations, lending them an air of authenticity and creating Moscow's desired multiplier effect.

India, a leader of the Third World and a close Soviet ally, was one of Moscow's favorite venues for planting disinformation. Romesh Chandra, the leader of the pro-Soviet Communist Party of India, was the longtime head of the World Peace Council, a preeminent front group for the dissemination of Soviet propaganda.

Typical of the Kremlin's use of Indian media was an article placed in 1987 in the *Hindustan Times*, a mainstream daily. The article, planted by

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a journalist on Moscow's payroll, claimed that the United States was buying Honduran children in order to harvest their organs for transplant. This "news" item exemplified the Kremlin's heavy focus on Central America, which was a ripe target for Soviet disinformation at a time the U.S. government had been supporting the contra forces against the Sandinista revolutionaries in Nicaragua and where resentment of "Yanqui imperialism" had a long history.

One of the most egregious Soviet-inspired accounts of the U.S. sale of body parts alleged that wealthy Americans were buying up and butchering Latin American children in order to use their organs for transplant. A similar Soviet press placement held that Mexican children routinely were kidnapped, spirited across the U.S. border, and murdered so that their vital organs could be transplanted into sick American children from affluent families. The International Association of Democratic Lawyers, another important Soviet front organization, seized upon the story and publicized it in the media of more than 50 countries. Among those who swallowed the bait were members of the Jehovah's Witnesses; they reprinted the story in 1989 in their magazine *Awake!*, which had a worldwide circulation of 11 million in 54 languages. More than a year later, an American correspondent in Mexico observed that the "baby parts" article still received coverage, even in the "respectable press."

The Soviet Union enlisted the intelligence services of its client states in Eastern Europe to assist with the disinformation campaign about "baby parts" and related issues. East Germany's Ministry of State Security, better known as the Stasi, played a major role in this activity as part of its overall activism in the Third World.

If the Soviet Union were still in existence, it would no longer have to resort to disinformation about American trafficking in human tissue. Indeed, the Planned Parenthood scandal is a windfall for post-Soviet Russia and its leader, Vladimir Putin,

who is a former KGB official. Russian print media and television are giving full play to the controversy and relishing its negative effect on America's image. Planned Parenthood's activities, which many Americans regard as

unethical and even illegal, have created an impression of moral equivalence between the United States and the former Soviet Union—an impression that the U.S. government fought vigorously to counter during the Cold War. ♦

Why We Gamble on Sports

Because that's where the money is.

BY GEOFFREY NORMAN



A DraftKings employee monitors sports news, September 9, 2015.

The same government that warned you off whole milk and urged you to load up on carbs may now be moving to protect you from the snares of fantasy sports wagering. And the people who worship at the temple of government believe this is the just and proper thing to do. Presumably they will put the same people who ran Fannie and Freddie on the case.

Fantasy sports betting has, of course,

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exploded recently. One reason for this is what detractors call a "loophole" in something called the Unlawful Internet Gambling Enforcement Act. This was passed back in 2006 when Congress didn't have anything better to do and the aforementioned Fannie and Freddie, with the help of the big (regulated) banks and the Federal Reserve, were busy setting things up for the near-total collapse of the economy.

Congress managed to ban most forms of Internet gambling. And who knows how close the Republic came to total ruin from the effects of wagering

AP / STEPHAN SAVOIA

on, among other things, professional football games. But the law made an exemption for fantasy sports sites, on the grounds that these were games not of chance but of skill.

The distinction is one that would delight the same medieval philosophers who argued over just how many angels could dance on the head of a pin and who declared that the tail of a beaver was actually a fish and could, therefore, be consumed on Friday by good Catholics. You had to study the numbers and the lineups if you were going to field a winning fantasy team. As opposed to just picking the Saints, say, over Atlanta because you had gone to New Orleans on your honeymoon and had a soft spot for the place.

Nobody seemed troubled by the exemption. At that time, fantasy sports sites were organized around full seasons. You picked your team members and watched them perform, game by game, week by week. Then someone came up with the idea of weekly teams and big jackpots. And thus were born FanDuel and DraftKings, a deluge of television advertising, and big-dollar investors who saw a dead solid way to cash in on the combination of Americans' favorite pastimes, sports and gambling.

The government and the usual scolds have found this intolerable and are already in full pursuit of the fantasy industry, eager to run it to ground and domesticate it. They want what they call "sensible" regulation. Which would include, as outlined in a Bloomberg editorial:

- Licensing of the sites to ensure transparency.
- Auditing of the technology—including the algorithms used by the sites.
- Use of geolocation tools to block players in states where the sites are illegal.

Furthermore (and here is the really good part),

the companies should be required to take measures to protect gambling addicts from themselves. Because they operate online, with payment information linked to each user, they

should be able to verify identities, enforce limits on losses and use data patterns to recognize problem gamblers. State regulators could mandate other protective measures based on the National Council on Problem Gambling's standards. And fantasy advertising during sports broadcasts—an enticement to children and addicts alike—should be banned.

It is, you see, about the children.

Now, the states already do a pretty good business in gambling. Casino gambling is legal and regulated in many states. There wouldn't be a Las Vegas, where the Democratic presi-

Fantasy sports sites will, no doubt, soon be regulated. This is fine with Washington since it means more work for K Street. And there will be committees that must hold hearings, studies that must be conducted, rules that must be enforced. Amid all this, one wonders if the explosion of fantasy sports betting isn't really a symptom of something that truly is a national problem.

dential candidates gathered to debate, otherwise. One wonders how far Senator Harry Reid's home state has gone to "verify identities, enforce limits on losses and use data patterns to recognize problem gamblers." Likewise the state of Illinois, where you *really* have a problem if you play the state's lottery. The state doesn't have the cash on hand to pay the prize money it has promised.

But even the states that run honest numbers games are hitting on that segment of the population that can least afford it. Lotteries let themselves off the moral hook by saying the money goes to fund education. Once, again, it is about the children.

The people who want fantasy sites regulated are pointing to stories about

how employees at one of the big sites have won big by placing bets at the rival site. It has yet to be demonstrated that this involved some kind of unfair edge, though certainly if you spend your entire work week (and more) dealing with the metrics of professional football, you might know more than the guy who checks in with *USA Today* before he makes his picks. But if there has been collusion and fraud, one can be sure that class action lawyers will soon ride to the rescue.

Americans like to gamble. And the passion takes many forms. Some of us like to play fantasy football. Others (Hillary Clinton, for instance) like to play the futures markets. But there is also a residual streak of puritanism in the American character. We like to gamble but we feel guilty about it.

The fantasy sports sites will, no doubt, soon be regulated. This is fine with Washington since it means more work for K Street. And there will be committees that must hold hearings, studies that must be conducted, rules that must be enforced.

Amid all this, one wonders if the explosion of interest in fantasy sports betting isn't really a symptom of something that truly is a national problem. One from which the big thinkers are hiding.

If there were no fantasy sports sites, what would the people who are making bets there be doing with their money? If we take it as a reasonable proposition that most of the players are young men, could we reasonably expect them to do something prudent with that money? Perhaps save it?

Well, young men may be foolish, but they are smart enough to know that putting money into savings is, these days, a loser's game. And why is this? Because the Federal Reserve has lowered interest rates to zero and kept them there during a big part of these young men's lives.

The Fed gambled that zero percent interest rates would stimulate the economy back to robust growth. The Fed lost that bet. What it has done, instead, is stimulate the stock market.

But putting your money there, of course, is not gambling. ♦

An Assault on Common Sense

The phony campus rape crisis

BY HEATHER MAC DONALD

In August 2012, two rapes by unknown assailants were reported at Harvard University, sending the school into crisis. Police cruisers idled around the campus; uniformed and plainclothes officers came out in force. Students were advised not to walk alone. A member of the undergraduate council called for the closing of Harvard Yard. “I thought Cambridge wasn’t a dangerous area,” a freshman told the student newspaper. “It was Harvard—it was supposed to be safe, academic.” (In fact, Harvard still was safe. The campus authorities ultimately deemed at least one of the rape allegations baseless, judging by the FBI’s Uniform Crime Reports. Since Harvard never disclosed the outcome of either of its investigations, its findings regarding the other supposed incident remain a secret.)

In September 2015, Harvard president Drew Gilpin Faust announced that Harvard students experience sexual assault with “alarming frequency.” Faust was responding to the results of a sexual assault survey conducted at Harvard and 26 other colleges earlier in the year. According to the survey, spearheaded by the Association of American Universities (AAU), 16 percent of Harvard female seniors had experienced nonconsensual sexual penetration during their time at the college and nearly 40 percent had experienced nonconsensual sexual contact. The “severity of the problem” required “an even more intent focus on the problem of sexual assault,” Faust said. Harvard professor and former provost Steve Hyman decried the “terribly damaging” problem that “profoundly violates the values and undermines the educational goals of this University.”

And yet, apart from Drew Gilpin Faust’s recital of Harvard’s burgeoning rape bureaucracy—50 Title IX coordinators, a new Office for Sexual and Gender-Based Dispute Resolution filled to the brim with “trained investigators,” a doubling of staff at the Office for Sexual Assault Prevention

and Response—nothing else happened. No beefed up escort services, no added police presence. Life went on as usual, including the usual drunken parties and hook-ups.

The rhetoric from the other participating schools was similarly alarmist. According to Yale president Peter Salovey, the “profoundly troubling” behavior documented in the AAU survey “threatens individual students, our learning environment, and our sense of community.” But Yale, too, confined itself to denunciations of the “threatening” behavior.

Why the disparity between administrative talk and action? Harvard, after all, is not the only college capable of forcefully responding to alleged rape. In the fall of 2014, the University of Virginia doubled down on security after a student was abducted and presumed raped (the girl was later found to have been killed). If Drew Gilpin Faust and her fellow presidents really believe that they are presiding over a crime scene of what would be unprecedented proportions, they should at the least radically revamp their admissions procedures to prevent sex fiends from joining the student body, if not provide round-the-clock protection to female students.

Nothing of the sort ever happens, however. And that is because there is no such crime wave on college campuses—according to the alleged victims themselves. The vast majority of survey respondents whom the AAU researchers classified as sexual assault victims never reported their alleged assaults to their colleges’ various confidential rape hotlines, sexual assault resource centers, or Title IX offices, much less to campus or city police. And the overwhelming reason why the alleged victims did not report is that they did not think that what happened to them was that serious. At Harvard, over 69 percent of female respondents who checked the box for penetration by use of force did not report the incident to any authority. Most of those non-reporters—65 percent—did not think their experience was serious enough to report. This outcome is inconceivable in the case of real rape. No woman who has actually been raped would think that the rape was not serious enough to report. The White House Council on Women and Girls, echoing

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campus rape dogma, maintains that colleges are churning out legions of traumatized rape “survivors,” who go on to experience a lifetime of physical and emotional disability. Apparently these victims are so shellshocked that they don’t even realize how disabled they are.

The rate of nonreporting climbs as the sexual assault categories ginned up by the AAU grow ever more distant from the common understanding of rape. Over 78 percent of Harvard female respondents who checked the box for penetration due to “incapacitation” did not report. Three-quarters of them said that what happened to them was not serious enough to report. Over 92 percent of Harvard female respondents who said they were the victim of sexual touching by force did not report; over 81 percent said that what happened to them was not serious enough to report. Over 93 percent of respondents who had been sexually touched due to incapacitation did not report. Over 80 percent of them did not think it serious enough to report.

The picture is identical at every other college in the survey. At Yale, nearly 73 percent of female victims of alleged penetration by force and over 94 percent of female victims of alleged nonconsensual touching by incapacitation did not report to an agency or organization, because they did not think that what happened to them was serious enough.

These are females who since matriculation have been the targets of an escalating “rape culture” propaganda campaign. Yet that campaign has not changed the fundamental disagreement between rape survey respondents and their pollsters. The mother of all campus rape surveys, conducted by feminist researcher Mary Koss and written up in *Ms.* magazine in 1985, found that 73 percent of respondents whom the study characterized as rape victims said that they hadn’t been raped when asked the question directly. (Not surprisingly, campus rape researchers stopped asking that question. Campus rape researchers also quickly shelved an equally deflating question from the Koss survey: whether the victim had sex with her alleged rapist again. Forty-two percent of Koss’s alleged rape victims said that they had, another inconceivable outcome in the case of actual rape.) Seventy-two percent of female respondents in a 2014 MIT survey who said that they had experienced unwanted sexual behavior said that their experience was not serious enough to report.

The blasé response of most alleged campus rape victims should be good news to campus administrations. One might expect those administrators to proudly announce that their

colleges are not the traumatizing violence zones that the public has been led to believe. To the contrary, college and university leaders either ignored or tried to distort the data on nonreporting. Harvard’s Faust did not even mention the nonreporting phenomenon in her September 21 letter to the “Harvard Community.” Yale’s President Salovey did mention it, but in a way that was as deceptive as not bringing it up at all. In a September 21 press release, he said that he was “concerned that a majority of students said they chose not to report incidents of sexual assault and harassment

despite stating that they believe campus officials take such reporting seriously.” Salovey did not disclose the predominant reason they chose not to report. Instead, his “concern” suggests that something nefarious and rape-culture-y is impeding those alleged victims’ reports. The introduction to the Yale version of the AAU survey does eventually mention the main reason for nonreporting, but buries that reason in a section labeled “Barriers to reporting.” Believing that your experience is not serious enough to report does not constitute a “barrier to reporting,” unless that

belief is a product of false consciousness. The Yale administrators seem to think that it is.



Actually, no. Not even close.

In short, the campus rape bureaucracy juggernaut lives by the motto: “No means yes.” The vast majority of alleged sexual assault victims are telling their campus administrators: “No, we don’t think we have been the victims of a serious crime.” Undaunted, the administrators push forcefully on, building up ever more costly infrastructure premised on the claim that “yes, there is an epidemic of campus rape.” The result, in the case of the AAU survey, is hundreds of pages of irrelevance. The AAU researchers devised a complicated typology of alleged sexual misconduct based on two categories of behaviors and four allegedly assaultive tactics. The surveyors then rang every possible combinatorial change on those and other demographic categories. Dipping randomly into the Harvard report’s 254 pages of tables, charts, and analysis, for example, one pulls up Table 4.1: “Percent of Students Experiencing Non-consensual Penetration or Sexual Touching Involving Coercion or Absence of Affirmative Consent by Behavior, Tactic, Current Year vs. Since Entering College, Gender and Enrollment Status.” Table 4.1 extends over several pages, with 12 rows for such items as “absence of affirmative consent,” “penetration,” and “sexual touching,” and 14 columns for,

inter alia, “female,” “male,” “Transgender woman, Transgender man, Genderqueer, gender non-conforming, questioning, not listed.” Many of the resulting 168 boxes are empty for lack of a sufficient number of respondents. Do not, however, confuse Table 4.1 with Table 4.2: “Number of Times Students Experienced Nonconsensual Penetration or Sexual Touching Involving Coercion or Absence of Affirmative Consent by Behavior, Tactic, Victim Characteristics, Gender and Enrollment Status,” generating 450 boxes. Table 4.2 must also not be confused with Table 4.3: “Percent of Students Experiencing Nonconsensual Penetration or Sexual Touching Involving Absence of Affirmative Consent by Victim Characteristics, Gender and Enrollment Status,” which generates 360 boxes. Table 4.3’s “victim characteristics” include “Non-Heterosexual,” “Not Hispanic,” “Native Hawaiian or Other Pacific Islander,” “Disability: Yes,” and “Not married but living with a partner,” none of which are present in Table 4.2’s “victim characteristics.”

Even if the large majority of Harvard students had not found the behaviors minutely catalogued in the voluminous tables “not serious,” the level of detail would still be useless. What exactly does Harvard expect to do with the discovery that 6.5 percent of Not Hispanic Graduate or Professional Females said that they had experienced nonconsensual penetration or sexual touching involving absence of affirmative consent, compared to 7.1 percent of Hispanic Graduate or Professional Females? Would it matter if the numbers were reversed, or if they were half or twice the reported level?

Such exquisite parsing would be appropriate in a cancer drug clinical trial. But there are no clear policy implications that follow from the tens of thousands of entries generated by the AAU classificatory grids. If only college administrators devoted the same passion to discovering what their students knew about the origins of the French and American revolutions as they do to soliciting and classifying data on whose digit has penetrated or rubbed which orifice belonging to which variant of gender identity. None of the 27 colleges in the AAU survey administers a similarly detailed test of substantive knowledge to evaluate its effectiveness in teaching students the rudiments of civilization. They have no idea what graduating seniors know about the periodic table or evolutionary biology. But they have collectively coughed up over \$2.34 million to discover that 14.9 percent of “Asexual, Questioning, Not Listed” TGQN students who answered the poll on their 27 campuses have been sexually penetrated (defined as “when one person puts a penis, finger, or object inside someone else’s vagina or anus” or “when someone’s mouth or tongue makes contact with someone else’s genitals”) or sexually touched (defined as, inter alia, “touching someone’s breast, chest, crotch, groin, or buttocks”) without their “active, ongoing voluntary agreement.” (The comparatively high

number of TGQN students who claimed to have been sexually assaulted was actually the only interesting bit of data to come out of the AAU effort, since presumably their alleged assailants were not the heteronormative, “cis-gendered” oppressors conjured up by gender studies departments.) According to campus administrators, students should absorb such lurid discoveries as well. Yale’s deputy provost for health affairs and academic integrity encouraged “everyone [in the Yale community] to review the full [AAU] report, including the methodology and terminology and the data tables,” which she called a “rich source of new information.” A more dreary waste of overpriced college learning time is difficult to imagine.

The AAU survey suffers from other flaws as well. The low response rate of 19 percent across the 27 colleges further undermines the significance of its findings. Students who do not believe themselves to have been the victims of unwanted sexual contact are less likely to have taken the time to fill out the questionnaire. This asymmetry of response undoubtedly inflates the survey’s rate of sexual assault. Extrapolating from the survey to the national college population is even more unreliable. As Stuart Taylor pointed out, the rate at which respondents said that they reported unwanted sexual penetration to their campus authorities is almost nine times the actual rate of nationwide reporting of sexual assaults of any kind. Yet the press went ahead with such extrapolations anyway. “More than one in four college women say they are sexually assaulted by graduation,” the *Wall Street Journal* declared. “1 in 4 Women Experience Sexual Assault on Campus,” read the *New York Times* front-page headline.

The survey’s typology of improper behavior and tactics has been devised to generate as many instances of supposed sexual misconduct as possible. It defines “incapacitation” tautologically as “incidents when you were . . . incapacitated due to drugs or alcohol,” allowing the respondent to summarily declare herself agency-free. The survey includes among its assaultive sexual tactics “ignoring your cues to stop or slow down” and going “ahead without checking in or while you were still deciding.” Throughout human history, a majority of kisses (“kissing” is on the AAU list of possibly impermissible “sexual touching”) have been obtained “without checking in” or while the female was “still deciding.” It is the nature of the male libido to press for such favors, and of the female sensibility to feel uncertain about the pressing and its future direction. Thousands of romance novels have thrilled their female audience with such encounters. Few readers thought they had just witnessed a scene of sexual assault.

But what of the survey respondents who did think that their experience was serious enough to report to their Title IX office or to the police? Despite the tendentiousness

of the AAU survey, maybe there are enough actual rape and sexual assault victims on American campuses to warrant the ever-growing assault bureaucracy. The alleged rapes that have gone public through litigation or media attention suggest otherwise. Nearly all involve seemingly voluntary drunken hook-ups that the female partner comes to regret, sometimes when she sees that her partner was emotionally untouched by their sexual involvement. After a few months consulting with her campus's sexual assault resource center, she reclassifies her encounter as rape. The public sexual assault cases also suggest that the hook-up culture is producing a growing number of female emotional basket-cases.

A recent case at Washington and Lee University is emblematic. After a late-night party filled with the usual heavy drinking, the female accuser, Jane Doe, told her male companion: "I usually don't have sex with someone I meet on the first night, but you are a really interesting guy." Jane Doe began kissing John Doe, took off her clothes, and led John Doe to his bed, where she took off his clothes. They had intercourse. This was on February 8, 2014. (Jane later denied using that pick-up line on the ground that she often had sex with someone she just met.) The next day, Jane Doe told a friend that she had had sex with John Doe and that she had "had a good time last night." Over the next month, Jane and John Doe exchanged flirty texts and had intercourse again. Jane Doe attended several more parties at John Doe's fraternity. At one of them Jane observed John kissing another female and left the party early, upset. John developed a publicly known relationship with that other female. Jane started psychological therapy after seeing John's name on a list of applicants for a study-abroad program that she had also applied to. She told one of her therapists that she had "enjoyed the sexual intercourse" with John Doe, but was advised that her actions and positive feelings during their first sexual encounter "didn't negate that it was sexual assault." She told another therapist that "she had a strong physical reaction" to seeing John's name on the study abroad list. Jane had also been working at a women's clinic and attending lectures on sexual assault. During one of those talks, Washington and Lee's Title IX officer informed the audience of the emerging consensus that "regret equals rape." On October 30, after Jane Doe learned that John had been accepted to her study-abroad program, she decided to initiate her campus's sexual assault machinery against him.

The alleged rapes that have gone public nearly all involve seemingly voluntary drunken hook-ups that the female partner comes to regret—sometimes when she sees that her partner was emotionally untouched by their sexual involvement.

After a travesty of a proceeding, in which the Title IX officer rejected John Doe's request to consult a lawyer with the Dantesque warning "a lawyer can't help you here," the school expelled him on November 21.

Equally telling, alleged campus rapes have a noticeable tendency to fall apart when subjected to traditional police investigations. The federal government this year required that campuses disclose "unfounded"—that is, false or baseless—crime reports in their annual Clery Act criminal statistics. Colleges agonized over whether to identify the unfounded crimes by category, and many colleges did not. Harvard, which, to its credit, did classify the unfounded crimes by category, shows why the issue was so difficult. The only unfounded crimes Harvard reported were rapes—six of them. By contrast, none of the 492 property crimes reported to Harvard law enforcement in 2014 were found to be baseless. And those six unfounded rapes represented all of the rapes reported to the Harvard police in 2014—

not one survived law enforcement investigation, even though they were presumably the strongest cases out there. The other 27 "rapes" listed by Harvard on its Clery Act form were reported instead to Harvard's various non-law enforcement sexual assault resource centers, none of which has the authority to "unfound" a crime report. Harvard has yet to initiate a proceeding against any false accuser for violation of its honor code, presumably on the feminist theory that there are no false rape reports.

If campuses were the "hunting grounds" for rapists that the advocates claim, a movement creating single-sex schools would have sprung up years ago. Instead, the stampede of high school girls trying to get into selective co-ed colleges grows more frenzied by the year. Nevertheless, colleges could end what they insist on calling campus rape overnight if they persuaded girls to exercise modesty and prudence, and if they sent the simple message: Don't get drunk, take off your clothes, and get into bed with a guy whom you barely know.

Were parents to start believing the claim that colleges are "unsafe spaces" for girls, you would see college presidents turn on a dime and point out the obvious: There are few places more congenial, safe, and welcoming to females than the present-day American campus. For now, however, college leaders can self-righteously placate the rape culture industry with more and more "sexual assault" sinecures, while watching the applications for admission roll in unimpeded. ♦

Fix the Filibuster

But don't destroy it

BY RANDY E. BARNETT & JAY COST

We hear endlessly these days from the left and the right that our political system is “broken.” The left’s principal complaint is that it is too hard to pass their desired legislation. Liberals pine for a parliamentary system, where the majority party in the legislature controls public policy. Our Founders, however, devised a novel structure of checks and balances that makes enacting legislation difficult. If that constitutional design is functioning as intended, it can hardly be said to be “broken.”

But the constitutional design is *not* functioning as intended. Over time, Congress has delegated legislative powers to administrative agencies that resemble the prerogative powers of the king, from which the revolutionary generation fought a war to free itself. And recently, the president himself has started asserting prerogative powers by issuing executive actions and daring Congress to stop him.

One reason Congress cannot effectively oppose this abuse of executive authority is that a minority of senators of the president’s party staunchly defends these extraconstitutional power grabs. By using the Senate’s filibuster rules, this minority can prevent Congress from passing legislation that the president would veto—for which he would be forced to take the political heat. The same minority has been using the filibuster to block the passage of individual appropriations bills; thus, Senate Democrats can forestall all spending bills until the eleventh hour, when the choice facing Congress is either to approve an omnibus bill funding the entire government or to (partially) shut the government down. Faced with this choice, Congress blinks and abdicates its

constitutional power of the purse, which infuriates the voters who sent their representatives to Washington to do something about runaway spending and federal power.

Several reforms are needed to restore the proper balance of powers, and fixing the filibuster deserves priority. The filibuster has been substantially altered over the years, and although the changes have usually been the product of bipartisan compromise, a simple majority can revise the filibuster rule. The cloture rule—requiring two-thirds of the Senate to suspend debate—was created in 1917, and the threshold was reduced to three-fifths in 1975. Adopted in

1985, the Byrd Rule provides that a simple majority can enact certain spending bills through the process called reconciliation. More recently, Harry Reid, when he was majority leader, altered the Senate rules without any Republican support to provide for the confirmation of lower court judges by a simple majority.

We believe it is time to reform the filibuster once again. Specifically, it should be eliminated for all appropriations bills and for all judicial nominations, though retained for other legislation. We would also abolish the filibuster for any vote

on the repeal of a federal law. These changes would not revolutionize our system of government, but would help restore Congress to the role it is supposed to have in the Founders’ design. To see why, we must recur to the first principles of our Constitution.



Signs indicate whether senators are sleeping on cots during a filibuster of judicial nominees, November 13, 2003.

PROTECTING THE RIGHTS OF THE MINORITY

The filibuster occupies a strange position in the American system, but then so does the Senate. Indeed, the former reinforces the uniqueness of the latter.

The Philadelphia Convention of 1787 gathered to draft a new constitution because the states had proven themselves incompetent to handle the rigors of government under the Articles of Confederation. Nationalists like James Madison and James Wilson advocated a new approach that mostly shunted the states aside: The federal

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government, in Madison's original proposal, would possess a veto over state legislation, and membership in Congress would be based on population alone. Small-state delegates resisted fiercely, and the deadlock threatened to upend the proceedings. Roger Sherman saved the day with the Connecticut Compromise: The House of Representatives would be apportioned by population, and the Senate would be made up of two members from each state, regardless of size. In this way—and many others—the Founders rejected majoritarian democracy in favor of an innovative version of republican government.

So it is that our system offers the political minority a role in the day-to-day functioning of government. The Bill of Rights guarantees the civil rights of individuals, but the Senate gives the minority an actual stake in governing. And it has done so in ways that might have surprised the Framers. The Senate not only affords the less populous states a means of opposing the more populous states, it also creates opportunities for enterprising minorities to peel away support from majoritarian proposals. This is virtually impossible in the House, which is tied to the electorate not only through proportionality but also through frequency of election—every two years as opposed to the Senate's six. In the Senate, plucky minorities can succeed by convincing a handful of members to vote against their constituents' preferences.

Liberals complain that the Framers never intended the filibuster, which was created by a parliamentary oversight in 1806. This objection is quaint, given that the left otherwise has no regard for original intent. Whatever its origins, however, the filibuster reinforces the constitutional principle that the minority should have a stake in government. Indeed, the main objection to the filibuster—that it thwarts majority rule—is nonsensical. Like the United Nations General Assembly, where China and Liechtenstein each get one vote, the Senate is an inherently non-majoritarian institution. The filibuster amplifies this essential feature of the Senate. The states are distinct entities that hold a stake in government and cannot properly be coerced by a popular majority. The Senate empowers half the states, regardless of population, to stop legislation favored by the majoritarian House. The Senate filibuster empowers two-fifths of the states to do the same.

By enhancing the power of the minority, then, the filibuster exacerbates the tension that nearly destroyed the convention of 1787. The Madisonian question is: Just how much power should the minority have to thwart the desires of the majority? How do we empower Congress to pursue

genuine national ends that benefit the majority, while forcing it to respect the rights of the minority? In republican government—where the leaders are mere agents of the people, empowered to secure their rights while promoting the general welfare—this is a nettlesome challenge indeed. The Connecticut Compromise did not resolve it. Instead, it set the two houses of Congress—the majoritarian House and the minority-empowering, state-based Senate—against each other to settle things through the political process.

Since Theodore Roosevelt and Woodrow Wilson, progressives have wanted to do away with much of the original constitutional design. Running as the Progressive party's candidate for president in 1912, Roosevelt said he had heard

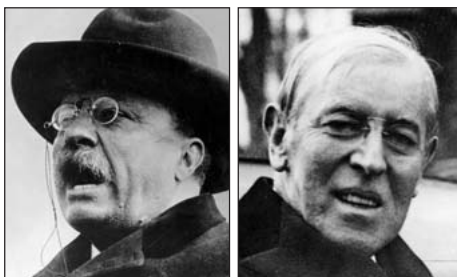
quite enough about the “tyranny of the majority.” The problem facing the country, he maintained, was a minority blocking the “will of the majority.” Wilson, the Democratic nominee elected because Roosevelt's new party split the Republicans, argued that our system may have been well and good in 1787, when the states were fractious and diverse, but the 19th century had forged a “national spirit.” The popular

majority, representing this spirit, need not be feared. The real problem, he thought, was that our system thwarts the national spirit by dividing power.

This progressive critique contributed greatly to the most significant reform of our system since the Fourteenth Amendment: the direct election of senators, mandated by the Seventeenth Amendment of 1913. Today, the liberal drive for unadulterated majoritarianism lives on. The left has few reservations about our strongarm president setting aside ancient notions of separated powers for the sake of “getting stuff done.” And, at least until the voters revoked the Democrats' Senate majority in 2014, progressives wanted to do away with the filibuster altogether.

We have a different view. The left, in our estimation, has the luxury of fantasizing about a purely majoritarian system because our republican Constitution has done such a marvelous job of preventing majority tyranny. Indeed, a cursory examination of the state governments in the 1780s shows how awful such a regime can be. Popular majorities in the states were eager to squash the rights of the minority and willing to advance their own interests over the national good. Madison himself identified the majoritarian problem with more democratic state governments in *Federalist* 10, where he noted that factions “adverse to the rights of other citizens, or to the permanent and aggregate interests of the community,” could be a “majority or a minority of the whole.”

It is facile to assume that legislators instinctively pursue



Theodore and Woodrow: Tyranny, shmyrrany

the public interest while in office. Writing in 1787, Madison noted that legislative appointments are sought for the sake of ambition and personal interest as well as the public good. “Unhappily,” he concluded, “the two first are proved by experience to be most prevalent.” Indeed, the history of our Congress is the story of a legislature that regularly sacrifices both individual liberties and the general welfare for the personal interests or ambitions of legislators, the special interests of factions, or both at the same time. It is foolhardy indeed to assume that a simple majority of the House and Senate represents the public interest. Today, campaign contributions, promises of a future career as a lobbyist, and the general Beltway culture combine to pervert the relationship between legislators and their constituents.

Furthermore, although the filibuster seems especially frustrating in this age of polarization, that may make it more valuable than ever. Combine the sweeping ideological ambitions of two opposing sides with the small electoral divide that separates them, and it is not hard to appreciate the value of the filibuster. A narrow and fleeting majority should not be able to enact its ideological agenda just because a passing wave of public discontent swept it into office. By granting additional powers to the minority, the filibuster mitigates this danger. Indeed, its utility was never so clear as with Obamacare. However flawed that bill was, imagine how much worse it would have been if the Democrats had not needed to get 60 votes to pass it through the Senate. Single payer anyone?

These arguments have no traction with liberals, who are bewitched by the Wilsonian notion, “There is no danger in power, if only it be not . . . divided, dealt out in shares to many.” They wish above all to centralize power, which is why they have no regard for the proper role of the states in our system, why they applaud Obama’s executive power grabs, and why they wish to do away with the filibuster. That leaves the conservatives and libertarians as sole defenders of our governing order, today’s “constitutional conservative movement.”

Constitutional conservatives have a special duty to ensure that the institutions of government favorable to the minority function properly. When these safeguards malfunction, as today, this facilitates the aim of the left to do away with all checks on majoritarian rule. And here the left has a political advantage. In the age of public opinion polls, the decisive political question often is: Which side received 50 percent plus one in the latest Gallup poll? Indeed, it is doubtful that the Supreme Court would have felt emboldened to strike down dozens of state referenda rejecting same-sex marriage if the *national* opinion polls had not shown majorities endorsing it.

Constitutional conservatives, by this reckoning, must be prepared to deliver tough love. To protect the rights of

the minority in government, we must aggressively police the use of the governmental mechanisms that protect those rights in order to ensure they are not exercised in a counterproductive manner.

This is why reform of the filibuster is of such consequence right now. While the filibuster can be theoretically defended along the lines of the Connecticut Compromise, in practice it has become a shabby mechanism for stopping government. As a result, this one procedural rule is threatening the foundations of our constitutional system. By keeping Congress from accomplishing the necessary, day-to-day business of legislating, the filibuster has indirectly empowered the president to acquire legislative power by extralegal means. Obama has justified every one of his power grabs with the same taunt: Congress can’t act, so I must. The president’s conclusion is errant, but his premise is, unfortunately, spot on. Congress has responded not by using its own substantial institutional resources, but by calling meekly on the courts to rescue it.

This is a worrisome development. In *Federalist* 51, Madison argued, “Ambition must be made to counteract ambition.” To do that, Madison noted, the Constitution gives each branch a will independent of the others and the means to protect itself against the encroachments of the others. As presently formulated, the filibuster has deprived the legislative branch of its constitutional means to prevent the encroachments of the executive branch, which has, in turn, sapped the legislature’s will to resist.

There is a danger, moreover, that frustration will induce members of Congress to overcorrect in the direction of majoritarianism. Liberal Democrats were calling for the elimination of the filibuster in 2009, and now we hear similar calls from conservative Republicans. If the filibuster is not reformed in a way that strikes a balance between minority rights and the national interest, it might be done away with altogether. This would be most unfortunate, as the filibuster reinforces the purpose of the Senate, a purpose that constitutional conservatives support. Hence our insistence on the filibuster’s reform.

PRACTICAL REFORMS TO STRENGTHEN THE LEGISLATURE

Ending the filibuster for appropriations would restore Congress’s ability to use the power of the purse to oppose presidential overreach, enabling it to withhold funds for executive actions of which Congress disapproves. It is rare for one party to hold 60 seats—a filibuster-proof majority—in the Senate. When the minority is of the same party as the president, it can use the filibuster to prevent the majority from disciplining the president through the spending power. In recent years, Senate

Democrats have discovered that if they block individual appropriations bills, the entire operation of government will inevitably be rolled into an omnibus appropriations bill, and the majority must either accept it in toto or face a partial shutdown of the government. This maneuver has largely eliminated Congress's ability to discipline the executive via line-item spending cuts, as the recent debate over the public funding of Planned Parenthood has shown.

Senate Rule XVI defines the difference between an appropriations bill and regular legislation and establishes a procedure by which this line can be maintained; and the reconciliation of spending bills passed by the House and Senate under the Byrd Rule requires only a simple majority. Indeed, the House was induced to approve the Affordable Care Act, which had originated in the Senate, through use of the Byrd Rule to make some changes to the bill after Democrats lost their filibuster-proof majority. While the line between appropriations and other legislation may be more difficult to maintain when the difference between a 50- and a 60-vote threshold is at stake, to the extent that senators continue to value the filibuster, they have an interest in holding this line.

More broadly, Congress desperately needs to restore regular order when it comes to raising and spending money. These are core legislative functions, and the established appropriations process is a sensible routine designed to enable Congress to perform them ably. The filibuster has totally upended this practice, leaving the legislature to rely on last-minute omnibus legislation. When Congress cannot function efficiently, it is easier for the other branches to snatch power from it, upsetting the proper balance.

We are not so naïve as to believe that everyone in the Republican majority, including leadership, truly objects to the current reliance on omnibus bills. It is politically convenient for Republicans to use the 60-vote threshold to blame the Democrats for blocking appropriation bills that would require Republicans, in turn, to take some hard votes. But this is all the more reason to pressure Senate leadership to end the filibuster for appropriations bills. Whichever party holds the majority must be held politically responsible for its use of the spending power, which means that individual appropriations bills must be sent to the president.

Second, we propose ending the filibuster for judicial confirmations—and we would consider doing so for confirmation of *all* presidential nominees that the Senate has a constitutional duty to accept or reject. As we have mentioned, Harry Reid already led Senate Democrats to end the filibuster for lower court judges. At minimum, we would extend the Reid Rule to Supreme Court confirmations.

Although the Constitution provided for a supermajority vote in the Senate to check the president's power to enter into treaties—which makes sense, since treaties bind

the nation to foreign obligations—the Framers declined to extend this standard to the Senate's confirmation authority. Of course, they gave the Senate power to set its own rules, which means that, provided the Constitution does not say otherwise, the upper chamber can establish whatever standard for whatever vote it likes. Still, where the Constitution is silent, prudence should guide. While Congress need not enact most legislation, it does have an obligation to assist the executive branch in staffing the judicial branch. By raising the confirmation threshold to 60 votes, the filibuster has impeded the Senate from performing this task, which in turn undermines the executive and weakens the judiciary. Whether or not the Senate is held by the same party as the president, the ability to obtain a simple majority should be sufficient to indicate the consent of the Senate to the president's choices.

Although it has been challenging for scholars to identify precisely the history of filibusters, most agree that the filibuster of judicial nominees is of recent vintage. It has led presidents to nominate persons without a track record demonstrating their judicial philosophy, even when their own party controls the Senate, for fear of the minority's effective veto over judges. No matter who is president, this is bad for the judicial branch, whose members should be chosen for the courage of their constitutional convictions.

Both of these reforms are meant to restore Congress to the Founders' original vision. After all, the power to tax and spend and the duty to advise and consent are crucial functions assigned to Congress. Insofar as the filibuster is undermining them, it should be reformed. Our third proposal is more novel, but it is meant to restore a semblance of constitutional sensibility to this age of unlimited government: We suggest ending filibusters to block the repeal of a law.

The Founders wished to make laws difficult to enact without broad support and sustained interest from the public. Of this, we approve. Once a law is enacted, however, these very same structural hurdles create a ratchet preventing it from being repealed. This was not a problem when Congress respected the limits imposed upon it by the Constitution's enumeration of powers. But since the New Deal, those strictures have been tossed aside, and, unsurprisingly, the federal code has become jammed with so many rules and regulations that average citizens can break the law without even knowing it.

If Congress, flouting the letter and spirit of enumerated powers, insists upon plenary authority to legislate, we should make it as easy as possible for it to fix its inevitable mistakes. It is hard enough to repeal a law by a simple majority vote of each house and the approval of the president. Requiring a supermajority of the Senate makes the task even harder. For the very reason our republican Constitution makes adopting legislation difficult—preventing

the enactment of bad laws lacking broad and sustained support—repealing bad legislation, to which majorities of both houses object, should be made easier than it is with the filibuster rule in effect.

WHERE SELF-INTEREST MEETS PRINCIPLE

The advantage of filibuster reform is that big structural alterations can result from a rules change that a mere majority of senators has the power to enact. The disadvantage of our proposals is that a majority of the Senate is reluctant to weaken further the filibuster, which enhances the power of individual senators. And current Republican leadership seems firmly committed to preserving the filibuster for the day when they are once again in the minority.

To Senate Republicans, we offer this admonition: You are fooling yourselves if you think you can preserve the filibuster for when you are again in the minority, and the current use of the filibuster by Democrats is hastening that day. When he ended the filibuster of lower court judges, Reid put everyone on notice that the Democrats will eliminate any aspect of the filibuster—especially with respect to Supreme Court nominations—the moment they regain control of the

Senate and find it in their political interest to do so. Republicans need to do unto others before it is done unto them. As Senator Mitch McConnell said before the Democrats' rule change: "There is not a doubt in my mind that if the majority breaks the rules of the Senate to change the rules of the Senate with regard to nominations, the next majority will do it for everything." He should heed his own warning, because that is what will happen when Democrats retake the Senate.

Moreover, by allowing the filibuster to prevent them from effectively resisting the president's overreach, Senate Republicans have so outraged and alienated the base of their party that they are courting their own demise. Their unwillingness to exercise their constitutional powers in the Senate has contributed to the rise of Donald Trump and the demise of John Boehner. Republicans should kill the filibuster before the filibuster kills them.

We wish to stress, however, that we offer this argument based on political self-interest only to address politically motivated Republican resistance to reform. For us, this is a matter of principle. These reforms are needed to enable the constitutional design to better perform as intended, regardless of who is in power. In our view, reforming the filibuster today is the best way to preserve its protection of the rights of the minority tomorrow. ♦

Enterprising States Innovate

By Thomas J. Donohue

President and CEO
U.S. Chamber of Commerce

States are increasingly taking advantage of technology-based economic development to foster economic growth and create jobs. And the ones that are leading the way may come as a surprise.

The U.S. Chamber of Commerce Foundation uncovered the shift in its annual *Enterprising States* report, which examines economic trends and ranks the states based on key indicators like high-tech performance, innovation and entrepreneurship, and talent pipeline. This year's report finds that although Silicon Valley remains the epicenter of U.S. high-tech activity, momentum is building in other states outside of California. In the survey's rankings for high-tech performance, the top 10 widely divergent states range from Utah and Massachusetts to Virginia and Texas.

What's behind this trend? For starters, technology growth isn't just being driven

by the industries we often consider high tech—such as software and Internet services. Technology is increasingly reshaping established fields and industries all over the country like manufacturing, agriculture, transportation, energy, and business services. Companies in these industries are hiring more employees than ever with STEM skills. As a result, high-skilled employment opportunities are dispersing to many states across the nation, promoting continued innovation and technology development.

Middle America has been one of the primary beneficiaries of this trend, luring STEM workers with new opportunities and lower costs of living than the coastal regions of the West and the Northeast. And states that already have a strong legacy of talent are well positioned to further benefit from the tech evolution of existing major industries. For example, the abundance of engineers in the Great Lakes region are helping bring automotive innovation—including the race to develop and bring to market driverless cars—

back home to Detroit.

Too many states, however, remain behind the curve. They have much more to do to transform their economies and realize innovation and technology-driven growth. According to the State Science and Technology Institute, building a tech-based economy requires several essential building blocks. States do best if they have a strong research base, the ability to transfer innovations to the marketplace, deep sources of risk capital, a technically skilled workforce, and an entrepreneurial culture.

Leaders who make technology a key focus of their economic development plans will be setting their states up for growth, opportunities, and competitiveness. Those who don't could see their states fall further behind. For more information about *Enterprising States: States Innovate*, visit uschamberfoundation.org/enterprisingstates.



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Statue of Humboldt at the Humboldt University, Berlin

Man of the Cosmos

The life and vision of Alexander von Humboldt. BY CHRISTOPH IRMSCHER

Hailed as the greatest scientist of his time, Alexander von Humboldt (1769-1859) had the tiniest handwriting I have ever seen. One of the most fascinating pages in Andrea Wulf's new biography shows his lecture notes: a jumble of cards, envelopes, and scraps of paper, stacked on top of each other, with remnants of wax on them. They provide a window into a restless mind that worked not

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The Invention of Nature
Alexander von Humboldt's New World
by Andrea Wulf
Knopf, 466 pp., \$30

unlike the environments that Humboldt described with great beauty and clarity, a mind that would, from a multitude of finely observed details, assemble a picture of the whole—*ein Naturgemälde*, a complete picture of nature, as Humboldt called it.

Wulf relates that when Humboldt wrote his multivolume masterwork, *Cosmos* (the “opus of my life”), he

relied on a system of boxes with envelopes, each of which contained important letters, annotated by Humboldt himself, pages ripped from books, maps, and other related material. It was a mystery to his friends how his books emerged from such chaos. The unsung heroes of Humboldt's life are, to my mind, the printers who transformed his hieroglyphs into some of the most glorious works of natural history writing ever published.

When I was working on a biography of the Swiss-American scientist Louis Agassiz, one of Humboldt's many disciples, I spent hours poring over the latter's letters in archives.

AP / FRITZ REISS

I remember the overwhelming feeling of happiness that took hold of me, as if I had just partaken of a great mystery, when first single letters, then words, then entire sentences emerged from what had originally seemed like an abstract pattern of tiny tracks, as if a small bird had stepped into an inkwell and then performed a madcap dance on the page. Since I had worked so hard to gather their meaning, each of these letters became a precious possession, something I would carry with me for days afterwards. The Humboldt who spoke in these letters was not the man Wulf paints for us, relying mostly on his brother Wilhelm's and his sister-in-law's characterizations: insatiable in his thirst for knowledge, oblivious in his personal relationships, and so obsessed with nature that he didn't mind his loneliness.

"Your glaciers make me shudder," he told the much younger Agassiz when the latter was spending too much time high up in the Bernese Alps. A creature of the equator, Humboldt was appalled by the mere thought of spending one's days surrounded by ice. But what he really meant was a different kind of coldness, one that resided inside Agassiz: If he didn't return home soon, to his family and to his original work—Agassiz was studying fossil fish when he became interested in the movements of glaciers—Humboldt would begin to haunt him, reincarnated as one of Agassiz's neglected specimens. Be a father to your family, he said to Agassiz, rather than to your students—poignant, tender, moving words coming from someone who never had children himself. No one in Agassiz's life had ever spoken to him that way, and no one would ever again. (Agassiz didn't listen, and his wife left him.)

Humboldt's fame encompassed the world: Mountains, towns, bays, and a river (over 300 miles long, with lots of fish in it, as Humboldt joked), at least three universities, schools, and a dozen species were named after him. Today, contends Wulf, we barely remember him or what he did—a puzzling statement, given that one of the world's largest academic exchange

foundations, with a network of more than 25,000 alumni, is named after him. So many biographies of Humboldt were written during the last 150 years that the Dutch historian Nicolaas Rupke recently published what he called Humboldt's "metabiography," a study of the many different versions of the German scientist that had been invented since his death.

Perhaps the problem with remembering Humboldt is that he is not associated with a specific discovery, an iconic moment or powerful story that would define him, like Isaac Newton watching the apple fall or Charles Darwin hopping around on the Galápagos, bagging his finches. Humboldt remains a mystery, even in Wulf's often-vivid re-creation. Here was a man who barely slept and nevertheless remained hale and hearty well into his old age, who talked incessantly but remained silent about his own personal life, who claimed that he had no need for intimacy yet left us with some of the most sensual descriptions of tropical nature we have.

A hard worker, he would tour the Berlin salons till 2 A.M. and still have enough energy the next morning to resume his writing. Humboldt had seen the world, from Lima to Tobolsk; but back in Berlin, as the Prussian king's loyal chamberlain, he would follow his ruler around like a child and read to him during meals. When Darwin met him in London, at the house of the geologist Roderick Murchison, Humboldt held forth for three hours. ("The old man just talked too much," as Wulf acidly observes.) If only the two men had connected that day. During the 1848 unrest in Berlin, Humboldt appeared on the balcony behind his ruler when Friedrich Wilhelm IV surveyed the revolutionaries gathered below. The next day, he led a funeral procession for those who had been killed by the king's troops.

Readers who expect new revelations about these paradoxes from this biography—which, in its citations, relies largely on published sources—will be disappointed. Wulf only lightly touches on the vexed subject of Humboldt's sex-

ual orientation, which greatly interested even his contemporaries, taking at face value Humboldt's own assurances (to his brother and sister-in-law) that he was not the marrying kind and that there was nothing strange about the fact that his associates were buff young men. *The Invention of Nature* is most effective as a reminder of what a glorious writer Humboldt was. For, as it turns out, the most compelling passages here are paraphrases of Humboldt's own writings.

Who can forget the alligators lurking on the shores of the Orinoco, the Venezuelan pond filled with electric eels, or Humboldt's laborious ascent of Chimborazo, when he and his men, dizzy with altitude sickness, their eyes bloodshot and gums oozing blood, were reduced to crawling on all fours? Their fingers frozen into immobility, they nevertheless set up their instruments every few hundred feet, measuring the humidity and temperature at different altitudes. I would have liked to be the proverbial fly—or given the setting, more likely mosquito—on the wall when, in Miass on the southern slope of the Ural Mountains, Humboldt celebrated his 60th birthday with the man whose grandson would be Vladimir Lenin. (Wulf doesn't tell us that her source for that story, the editor of a volume about Humboldt's Russian travels, only *thinks* that such an encounter would have taken place.)

Among the many delights are the quotations taken directly from Humboldt's letters. What a wonderful, vigorous prose stylist he was, even when he wasn't writing for publication! "Concentrated sunshine," he called his black coffee, which he drank every morning, and when he organized an international scientific conference in Berlin (500 scientists from all over the world attended) he—a firm believer in the power of volcanoes—described the event as "an eruption of nomadic naturalists." More touchingly, when his beloved brother Wilhelm, a world-renowned linguist, died and he couldn't stop crying, Humboldt wrote to a friend that he was amazed that his old eyes had so many tears left in them.

Juxtaposed with Humboldt's evocative prose, Wulf's writing seems slack at

times. She has a fondness for the verb “adore,” and altogether too many times we hear that something that Humboldt did or thought was “unlike” anything anybody had ever done, thought, or even dreamed of before. But on another level, Wulf’s intermittent tongue-tied status seems oddly appropriate. How, indeed, can one talk properly about a man with such a comprehensive mind, with such encyclopedic interests in the world, people, and places? When Humboldt saw a multivolume dictionary in Agassiz’s garret in Paris, he laughed; why on earth would he need such an “ass’s bridge”? Humboldt had it all in his noodle.

Take the second volume of *Cosmos*, a bestseller like the first, which surveys 2,000 years of human interactions with the universe, “the history of the gradual development of the knowledge of the universe as a whole,” in Humboldt’s own words. This was Humboldt’s real subject: the web of life—a metaphor that would captivate the minds of nature writers from Darwin to Rachel Carson—and the ways in which we are entangled in it. Humboldt’s nature was in flux, and so was our knowledge of it. Darwin might not have been able to talk to Humboldt on that night at Professor Murchison’s house; but a throwaway remark Humboldt made about a river he had seen in Siberia—it had plants of Asian origin on one bank and European plants on the other—confirmed to Darwin that he was on the right track in his own thinking about speciation, and that the details he had observed would guide him to an understanding of the whole.

In a sense, it is irrelevant whether or not Humboldt actually slept with his companions. Clearly, his emotional energies were absorbed by men. Even in old age, he would tell his erstwhile companion Aimé Bonpland, far away in Paraguay, how much he missed him; and the octogenarian Bonpland, in turn, was planning a trip to Europe to see Humboldt again. (He died before he could make the journey.) But these intense male relationships also freed Humboldt to think

of nature not as a compliant female, something to be possessed, dominated, and destroyed. Wulf properly seeks to reclaim him as the progenitor of modern climate science, as the first to realize the interconnectedness of nature.

Her prime exhibit is the sketch he drew after visiting Chimborazo: a cross-section of the mountain that



Self-portrait, age 45

linked plants and animals at different altitudes to information about the humidity, temperature, and atmospheric pressure associated with these zones. Instead of taxonomic classification, Humboldt encouraged the viewer to understand nature in terms of location and climate. Notes about other mountains widened the comparative angle in which to view each living thing.

Wulf believes that Humboldt has been unfairly obliterated from modern consciousness because of the current compartmentalization of scientific inquiry and, a little less convincingly, because of anti-German sentiment in 20th-century America. She explains that while modern scientists have discarded Humboldt’s unique blend of science and poetry, environmentalists have remained beholden to Humboldt’s discovery of the web of life—though they do not

realize it themselves. What are we to do, then? Invoke Humboldt more frequently and more gratefully, as if rendering tribute to him again would help guide us through our environmental predicaments?

The gallery of Humboldt’s heirs, from Henry Thoreau to John Muir, that Wulf attaches to her biography leaves out the more unpalatable of his disciples—such as, precisely, the stubborn anti-evolutionist Agassiz, whom Humboldt loved as his own son. And it deftly sanitizes those who *are* included. Thoreau resented the Irish-born laborer John Field, who resisted his attempts to reform his life for him. Muir loved Yosemite but cared more for the animals that lived there than for its indigenous human inhabitants, whose uncleanness appalled him. And Ernst Haeckel’s desire to find aesthetic inspiration in the “art forms of nature” had him bend the scientific evidence more than a couple of times.

Wulf thus draws attention to the pitfalls of using biography to make a point. For her portrait of Humboldt, too, is an idealized, sepia-colored one: For all his talk about the web of science, Humboldt was a creature of his time, and the second volume of *Cosmos* ends with a paean to the powers of man. Assisted by ever more refined instruments, humans would, Humboldt believed, finally gain complete control over nature, even over the “delicate cells” of organic tissues, as little as was known about them at the time. Now we see through a glass darkly, but soon we shall see and know all, participating in what Humboldt joyfully envisioned as the “animated recognition of the Universe as a whole.”

Now that’s *truly* inventing nature. However, at the end, and this is the abiding contribution of Wulf’s biography, what sticks with us is not Humboldt the scientist who sought to hold the keys to the universe but the old man who, on his deathbed, delightedly watched the afternoon sunbeams playing on his bedroom wall. Concentrated sunshine, after all. ♦

It Can't Happen There

A fictional (?) version of France's prospects.

BY GRAHAM HILLARD



Michel Houellebecq

That *Submission*, the sixth work of fiction by the French provocateur Michel Houellebecq, was published in France on the day of the *Charlie Hedbo* assassinations feels like something out of a publicist's morbid daydream. It considers a near-future in which the French Muslim Brotherhood finds common cause with the socialists—and in a darkly comic twist, Sarkozy's center-right UMP—and takes control of the government. What follows is at once outrageous and eerily plausible. Over the ineffectual protests of Marine Le Pen's defeated National Front, the new regime moves quickly to Islamize the nation's educational system, remove women from the workforce, and secure European Union membership for Algeria, Tunisia, and Morocco, with Lebanon and Egypt soon to follow. The left, paralyzed by multicultural orthodoxies, swiftly capit-

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Submission

by Michel Houellebecq
Farrar, Straus and Giroux, 256 pp., \$25

ulates, unable to "fight . . . or so much as mention [the] name" of the charismatic president Mohammed Ben Abbas. Many convert. Others flee. France changes irrevocably.

All of this is trenchant satire, of course, and frightening enough. Yet *Submission* means to do more than merely terrify the nativists. Houellebecq, widely known in his homeland and lauded by the *Guardian* as "France's most celebrated controversialist," has woven into an otherwise national narrative the smaller (and ultimately more important) story of François, a bored university professor who lectures to empty halls, flits between prostitutes, and wishes for nothing more than to "do a little reading and get in bed at four in the afternoon." Though his work, a lifelong study of the French novelist J.K. Huysmans, has been "marked by

real intellectual achievements," François nevertheless feels "close to suicide, not out of despair or even any special sadness" but because "the mere will to live [is] clearly no match for the pains and aggravations that punctuate the life of the average Western man."

It is as that Western man—faithless, morally exhausted, and shorn by the brutal 20th century of any functional heritage—that François begins to reveal the deeper work of the novel. Relieved of his duties by President Ben Abbas's declaration that all teachers must be Muslims, François wanders the countryside in a state of detached dread, unable either to accept the end of his professional life or to follow his Jewish girlfriend out of the country. ("There's no Israel for me," he tells her in a biting scene.) Returning resignedly to Paris, he is offered a startling choice: accept a pension and permanent dismissal, or become a Muslim and enjoy the spoils of conversion—a wildly remunerative post at the Islamic University of Paris-Sorbonne, a gaggle of teenage brides, and a teaching assignment guaranteed not to "interfere with [his] real work," as a senior administrator promises.

That *Submission* presents the decision that follows not as an occasion for suspense but as an inevitability is exactly the point. Bereft of any countervailing values, François has nothing to hold on to. He happily takes "the chance at a second life, with very little connection to the old one." To put it another way, he *submits*.

The question posed by this novel, then, is whether or not we—not only France but the broader West—are François. The verdict, alas, is not good. Among *Submission*'s many indictments of the West is its utter demolition of the notion that liberal democracies, faced with existential threats to their identity, will ultimately shake off their torpor. In Houellebecq's view, such a project is not only unlikely but impossible given the extent of the West's self-loathing: its masochistic assurance, as François tells himself, that "nations [are] a murderous absurdity" and that "anyone paying attention [has] probably figured this out."

In an irony as bleak as it is widely

applicable, however, François clearly *isn't* paying attention, despite his status as a member of the educated, cosmopolitan elite. As the novel progresses, François confesses, shamelessly and explicitly, his ignorance of history, of political life, of his own native France, and even of Islam itself. Unanchored to the past, adrift in the present, and lacking even a basic geopolitical awareness, François fears the death of his way of life—and believes himself, somehow, to deserve it. Overcome “by the feeling that everything could disappear”—not only the unveiled women whom he passes in the street but the vibrant, pluralistic society that protects them—François nevertheless convinces himself that he “would have nothing to mourn” were it all to vanish.

Is all of this too much, too extreme, to be believed? And what of Christianity, whose residual power alone might provide the necessary counterweight? Here, too, Houellebecq is a pessimist: “Thanks to the simpering seductions and the lewd enticements of the progressives,” the same senior administrator tells François,

the Church [has] lost its ability to oppose moral decadence, to renounce homosexual marriage, abortion rights, and women in the workplace. The facts [are] plain: Europe [has] reached a point of such putrid decomposition that it [can] no longer save itself, any more than fifth-century Rome could have done.

Europe, in other words, has “already committed suicide.” Without the guiding force of a muscular, orthodox Christianity, “the European nations [have] become bodies without souls—zombies.”

And so, as *Submission* ultimately makes clear, they relent, not because they lack the means to save themselves but for reasons that bring to mind a phenomenon known to the French as the call of the void—*l'appel du vide*—the self-annihilating urge to leap from tall buildings, to put one's hands in the machinery, or, as some have described it, to swerve into oncoming traffic. It's 2015, and the West is behind the wheel. The swerve is coming. ♦

BCA

All but the Jews

The fatal limits of FDR's pragmatism.

BY TERRY TEACHOUT



Breckinridge Long over Franklin Roosevelt's right shoulder (1933)

Of the making of books about Franklin D. Roosevelt, there is no end—and nearly all of them are admiring, often to the point of outright adoration. It started with the memoirists, most of whom took the utmost care to paper over Roosevelt's flaws in their obsequious haste to document their own proximity to the throne. Then came the first generation of similarly disposed biographers, for whom the Great Depression and World War II were living memories and whose own liberalism (for they were all liberal) had been forged in the twin crucibles of those cataclysms.

No surprises there: Such is the predictable cycle of historical evaluation

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1944

FDR and the Year that Changed History

by Jay Winik

Simon & Schuster, 656 pp., \$35

of a colossus. But the judicious revaluation that normally follows the initial wave of uncritical admiration seems never to have taken place in the case of FDR—and now that today's progressives are weaponizing Roosevelt scholarship in the service of their New Deal-style political agenda, it seems even less likely that such a revaluation will come to pass anytime soon. Even Conrad Black, whom no one has ever mistaken for a stealth liberal, called his mammoth 2003 biography *Franklin Delano Roosevelt: Champion of Freedom*. Instead of a primary-source life that dealt forthrightly with FDR's defects of character and errors of judgment, we got *The Roosevelts: An Intimate History*, Ken Burns's seven-part PBS paean to Franklin, Theodore, and (of course) the sainted Eleanor, which one must

CSU ARCHIVES / EVERETT COLLECTION

sift meticulously in order to detect any deviation, however minuscule, from the conventional wisdom.

Hence it was with no small interest that I read this latest entry in the Roosevelt sweepstakes, which has already attracted the hostile notice of Geoffrey C. Ward, author of the script for *The Roosevelts* and an FDR man from way back (his own admiring biography came out in 1989). Writing in the *Wall Street Journal*, Ward dismissed *1944* as “broad and lurid,” which led me to wonder whether its author might have dared to break ranks with the faithful. And so he has: *1944* is not the fat pop-history tome of the one-fateful-year genre that it purports to be, but an overstuffed monograph flying under a false flag. Winik would have done far better justice to his book, if not his sales figures, had he chosen instead to call it *1944: The Year FDR Betrayed the Jews*.

Not that he tips his hand right away. At first glance, *1944* hews to a plan of action familiar from other books of its kind. It starts with a Defining Moment, the visit to the Sphinx paid by FDR and Winston Churchill during their conference in Cairo: “The ever-charming Roosevelt, squinting in the fading light, gave nothing away. He was in many ways as inscrutable as the Sphinx; at his core, he remained shrouded, unknowable, dispassionate.” Cut to an Allied bombing run over Berlin that took place on the same day: “The air was split with the sounds of doors being ripped off their hinges, windows shattering, and whole structures collapsing, crushed like paper bags.”

You can just about write the rest yourself: Ike and Monty and General Marshall, the long march to D-Day, Hitler’s mounting frenzy, FDR’s fast-declining health, stuffy Thomas Dewey and dear little Fala and not-so-kindly Uncle Joe. The old, old story, in other words, reshuffled and repackaged by a lively storyteller with a nice eye for detail (“Harry Truman recalled how Roosevelt’s voice boomed so loudly he had to hold the phone away from his ear”) but no different in essence from any of its previous iterations.

Above all, *1944* never strays from the predictable in its portrayal of Roosevelt

the man. All the stock clichés are trotted out in turn: “By nature he was a dissembler, a schemer, a deceiver. But he also had an unconquerable will and an ingrained sense of immortality. ... His remained the public face of humanity.”

That’s par for the course with Roosevelt biographers: First you whisper that the old boy was a bit on the sneaky side, then you shout that he was so great that it didn’t matter. Which is, needless to say, a perfectly arguable position, but one that leaves out rather more than it should. Of course Roosevelt was a great man—nobody in his right mind questions that—but like most great men, he wasn’t always a good man, and scarcely any of the countless books about him have been written with anything like the cool, comprehending detachment that his complex achievements demand and deserve.

But just when you’re starting to think that you don’t need to bother reading yet another exercise in hagiography lightly sauced with ambiguity, *1944* takes an unexpected swerve. The preface jumps directly from the bombing of Berlin to the gassing of several hundred Dutch and Polish Jews at Auschwitz, a horrific vignette introduced by these two sentences: “Yet there were still those whom the bombers had not yet reached, however desperately they awaited and pleaded for their arrival. Longingly they looked up into the skies and wondered: when will the Allies come?”

The strategic placement of this scene is a tipoff that Winik has something different up his sleeve, though the extent of the difference only becomes clear in the second chapter, when he starts weaving the death camps into his narrative. Before long the Final Solution is not merely an individual strand of the larger story of the last full year of World War II but the dominant theme of the book—with Roosevelt cast in the leading role.

If you aren’t familiar with the terrible tale of the Roosevelt administration’s unwillingness to take decisive action to prevent the mass slaughter of European Jewry, you’re likely to be shocked by much of what you read in *1944*. In a nutshell, the State Department was lousy

with antisemites, one of whom, Breckinridge Long, was in charge of granting refugee visas during World War II. Collectively disinclined to believe reports from Jewish sources that the Nazis were engaged in genocide and (one suspects) not greatly troubled by the possibility that they might be true, Long and his colleagues resolved to keep Jewish emigration to a minimum, just as they’d done prior to Pearl Harbor. The law was on their side—the annual quota for German immigrants of all kinds was a bit less than 25,000—and Britain was even less willing to shoulder the load.

Incredibly, FDR supported their policy long after incontrovertible proof of Nazi atrocities was made available to him. Well aware of the persistent prevalence of antisemitism among American voters, he was prepared to do no more than allow the Allies to issue a joint declaration condemning German conduct as “bestial.” Nevertheless, the State Department continued to stand in the way of refugee relief, and Roosevelt declined to make any strong public statement on the subject.

Not until January 1944 did he set up a War Refugee Board whose mission was “to rescue victims of enemy oppression in imminent danger of death.” Two months later he declared, “All who knowingly take part in the deportation of Jews to their death in Poland ... are equally guilty with the executioner.” But he appears to have taken no part in the subsequent War Department debate over whether to bomb Auschwitz to stop the killings. In the end, no such bombing took place, and Winik claims that “There is little doubt that the refusal to directly bomb Auschwitz was the president’s decision or at least reflected his wishes.” Other historians differ on whether FDR was in fact consulted on the matter, or whether bombing would have made a difference; but one thing is sure: It was never even tried.

Readers who know the territory will realize at once that *1944* has little to say about the failure of Roosevelt and the Allies to stop or slow the Final Solution that wasn’t said three decades ago in David S. Wyman’s *The Abandonment of the Jews: America and the Holocaust 1941-1945*, in which FDR’s near-total failure

to act was indicted with unprecedented bluntness. In essence, what Winik has done is to popularize Wyman's findings by placing them in a wider context and tarding them up with pop-history chatter. (I can't think of another ostensibly serious work of history on whose first page the word "hellacious" can be found.) Nor is he willing to go the distance and declare Roosevelt the villain of the piece. Instead, he sugars his pill with the fawning praise that Wyman eschewed: "Roosevelt both embodied and embraced humanity and had an immense capacity to inspire others."

Yet a bitter pill it most definitely is, and at book's end, Winik leaves you in no doubt of where he stands:

Roosevelt was larger than life and endowed with exquisite timing; nothing seemed to be beyond his reach, or his ability to solve, or his imagination. Except one thing: a Holocaust increasingly unfolding in plain sight. ... His choice not to take more sustained action was among his most fateful decisions, every bit as much as were his greatest military initiatives.

That it was, and it was also illustrative of the limits of his greatness. Roosevelt's genius—and his tragedy—was his ruthless pragmatism, his seemingly infallible grasp of the limits of political power. For all the passion with which he would later speak of the horrors of the poverty that he longed to ameliorate, he was at the outset of his career the opposite of what we now call a "conviction politician." Rarely would he put more than a sliver of his own carefully hoarded power at risk in the service of the ideals that he claimed to espouse. "He was the coldest man I ever met," Harry Truman said. "He didn't give a damn personally for me or you or anyone else in the world as far as I could see." Not that the voters were ever allowed to see this side of his personality: Their FDR was the genial squire with the jaunty grin and the made-for-radio voice whose sudden death made Lyndon Johnson cry out, "God! God! How he could take it for us all!"

All, that is, but the Jews, who were weighed in the balance of his chilly pragmatism, found wanting, and left to die. ♦

BCA

Tangling Over Bosch

When museums fight, do masterpieces suffer?

BY DANIEL ROSS GOODMAN

Madrid

Every day, hundreds of people from all over the world flock to a phantasmagoric painting that depicts the creation of the world, the pleasures of paradise, and the punishments of hell. This painting is so famous that it needs no introduction.

I am one of those hundreds—if not thousands—of pilgrims who crowded around this transcendental triptych in the Museo Nacional del Prado. Tourists and art enthusiasts packed themselves in front of this painting the way New York commuters pack themselves into trains during rush hour. Once I was finally able to get a place close enough to the painting to properly observe it, I tenaciously held on to my spot the way a driver holds on to a prime parking spot in midtown Manhattan.

I frolicked with Hieronymus Bosch in his gluttonous garden, partook of the visual pleasures of his lustful paradise, and endured the ravages of his angry purgatory for what must have been the length of an average film feature—coming attractions included—because *The Garden of Earthly Delights* (ca. 1490-1510) is almost as close as you can get to a blockbuster movie on canvas (or on oak, as is the case with *The Garden*). I was fascinated, as every viewer of this sublime spectacle is, by the fantastic images, profound symbols, and ancient theological and mythological motifs in this masterpiece of religious art.

Altogether, I spent eight hours in the Prado, including almost an hour with Diego Velázquez's marvelous *Las Meninas* (ca. 1656), perhaps the most important painting in the history of

modern art. And I spent half an hour with Rogier van der Weyden's *The Descent from the Cross* (ca. 1435) before realizing that I had better move away from it before a couple from the Manhattan synagogue I'll be interning at next year (and whom I bumped into at the Prado) would see me and wonder what an orthodox rabbinical student was doing standing transfixed in front of this, of all paintings.

This was my first trip to Madrid. I was in Spain because my sister was getting married in Barcelona, and I did not know when I would be back. I felt that I needed to take in as much of the Prado as I could. And little did I know what a good thing it was that I did, for if I (or anyone else) returns to Madrid in the near future, we will never see Bosch's *Garden* or van der Weyden's *Descent* in the Prado again.

At least, if a daring new museum in Madrid has its way. Scheduled to open near the baroque Spanish royal palace in the fall of 2016, the Museum of Royal Collections has had the audacity to demand that Spain's most important museum relinquish several seminal masterpieces, including Bosch's *Garden*, van der Weyden's *Descent*, and several important Velázquezes, Goyas, and El Grecos to the new royal museum.

The Prado's response was as predictable as an intrepid driver's reply would be to a kind request from a slothful driver to surrender his Manhattan parking spot: Go to hell. Which were almost the exact words that the Prado used in its reply to the royal museum's demand. "If [the director] is waiting to have the paintings in his place, he has to wait until hell freezes over," said José Pedro Pérez-Llorca, the Prado's chairman of the board, in a public statement. Which will obviously never happen, especially

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'The Garden of Earthly Delights' (ca.1500-05)

if Bosch's weather report from hell was accurate: His five-billion-year forecast of inferno didn't seem to show the heat letting up anytime soon.

The basis for the royal museum's claim is that the Prado has merely been a placeholder for artworks that once belonged to the Spanish royal collection. These paintings were transferred from the San Lorenzo de El Escorial monastery to the Prado in 1936. Because the Museum of Royal Collections is controlled by the Patrimonio Nacional—the Spanish heritage agency that governs all royal properties—it now feels that, with the opening of its new museum, the time has come to demand the return of artworks it once had in its possession.

But the Spanish royal collection has been in possession of the paintings for nearly 80 years. Though they have continued to be listed by the Prado as being on temporary loan, they are on loan to the Prado as our bodies are on loan to us during our temporary sojourns on earth. Bosch's *Garden* is the soul of the Prado, and *The Descent*, along with the other various works of Goya, El Greco, and Velázquez, has become part of its warp and woof. And the Prado, the pride of Madrid

and Spain's true crown jewel, attracts nearly three million visitors a year. It has become powerful enough in its own right to resist the demands of the Patrimonio Nacional. So to paraphrase Pérez-Llorca, there is no way in any hell—be it Bosch's purgatory and hell, the Talmud's Gehinnom, or Dante's Inferno—that the royal museum will receive these paintings from the Prado.

To many, the royal museum's requests may be ridiculous, but it's the prospect of a precocious new museum demanding the most important paintings from one of the world's most important art museums that is disturbing. The masterpieces that the royal museum is demanding have become an integral part of the Prado, and they give the Prado its unique spirit and enchanting prestige. As Pepe Serra, director of the National Museum of Art of Catalonia, remarked, "I'm sure it's a very good project, but to create this new museum, is it necessary to dismantle another one that is the most important in Spain?"

This is not, moreover, a case of stolen art. The works were placed in the Prado during the Civil War to protect them from the depredations of warfare. They were *not* acquired by force

or coercion. To allow an envious collection to raise greedy claims about works that have been legitimately housed in important museums would yield a never-ending series of lawsuits and produce chaos in the museum world. For even if the Prado were to concede to the royal museum's demands, who's to say that the Dutch wouldn't demand that Spain return *The Garden* to Holland? After all, Spain *did* acquire the triptych by force—the Duke of Alba commandeered it from the House of Orange-Nassau in the 16th century—during its tumultuous reign over the Netherlands and the Low Countries.

My rabbi in yeshiva, who possesses the unique combination of being both a Talmud scholar and an art connoisseur, spoke with me recently about Bosch's masterpiece. "Some day," he said, "somebody needs to write something about that painting." Well, this isn't exactly what he had in mind, but as long as hell is still nice and toasty, perhaps one day I, or you, or someone else, will return to the Prado to partake of the exquisite fruits of *The Garden of Earthly Delights* and write that proper piece about Bosch's prophetic vision of paradise, pleasure, and purgatory. ♦

Whisker Rebellion

Suddenly, the integrity of facial hair is at stake.

BY THOMAS VINCIGUERRA

Men who disrespect their beards are beginning to annoy me. On this all-important subject, I have a prejudiced perspective. Facial hair has swirled around my jaw (and upper lip) for almost 35 years. Granted, my look hasn't been consistent. Lately, a lot of salt has spilled into the pepper. My fuzzy friend's length has varied considerably, as have its various encroachments—up my cheeks and down my throat. But I've always treated my prognathic frontispiece seriously. I comb and groom it with an eye toward decorousness, determined to put forth my best possible bristles. True, this particular beard is not especially imaginative; I suppose it's something of a dull industry standard. Still, it is respectable and presentable.

Such is not the case with certain specimens now being disported by any number of hirsute miscreants. I think mainly of professional athletes who don't scrape their faces during post-season competitions. Somehow, their “playoff beards” are deployed to court good luck. (Precisely how this weird belief arose is grist for a dissertation, not an essay.) At first, the practice was largely restricted to Neanderthals in the National Hockey League amid the Stanley Cup playoffs. But now, any number of players in Major League Baseball, the National Basketball Association, and the National Football

League are forgoing lather and razor come crunch time.

Unfortunately, many of these guys aren't rendering proper attention to what stares back at them in the mirror each morning. Rather, they're just going wild and woolly. “The shaggier,



Admiral von Tirpitz



Sean Doolittle

the better” is their apparent motto. Witness certain incarnations of Mike Napoli of the Texas Rangers and Sean Doolittle of the Oakland Athletics. What erupts from their mandibles constitutes a creeping growth. And the infestation is spreading: Fans of playoff teams are sprouting equally ill-kempt beards as they cheer on their idols. Are these men so utterly devoid of imagination that they can't beard themselves in a time and place of their own choosing—and in a manner of their own preference?

The latest beard outrage is not to be believed. Since 2011, the Italian high jumper Gianmarco Tamberi has worn only half a beard. You read that correctly: A beard, and a mustache, adorn the left side of his face, but not the right. (“I like to be on stage and to entertain the audience,” he said recently.) Mr. Tamberi is not alone. A few months

ago, a performance artist named Adrian Alarcon shaved off the right half of his beard so he could pose for a series of photographs whereby his bare patch was adorned with chocolate sprinkles, jigsaw puzzle pieces, tiny plastic dinosaurs, thumbtacks, and other items. “[It's] just a fun way to talk about two recurrent issues: selfies and beards,” he said.

Now we have the “achievement beard,” a designation that the *New Yorker* has just applied to the brillo lately espied on the previously clean-shaven David Letterman, Stephen Colbert, and Jon Stewart. After stepping down from their high-profile posts, it seems that these television worthies have begun going scraggly as “a marker of triumphant lassitude, the victory lap after a long job well done.” The author Nathan Heller even reached back to the post-007 Sean Connery following *Zardoz*, as well as the post-electable Al Gore.

God—the owner of the longest white beard in the cosmos, by the way—help us.

Maybe we shouldn't be surprised by beard zaniness. We've witnessed the goatee and soul patch crazes. There was, and still is, that youthful preference for the sliver-thin contour that might be called the “Pencil.” But don't get me wrong: Beard culture welcomes all legitimate comers. Van Dykes, Imperials, Balbos, Amish, and other retro, offbeat, even affected, entries are wholly worthy. And more power to those who assume signature looks that are aesthetically memorable. Henry David Thoreau had the greatest neckbeard in history; somehow, it fit his self-reliant, quasi-Mountain Man persona. The utterly unruly beard of Joe Gould perfectly evinced his bohemian ways and sheer fabulism. Even Admiral Alfred von Tirpitz's bizarre, walrus-tusked outcropping was commendable. Its two-pronged, port-and-starboard cultivation reflected his double-barreled, twin-screwed approach to the Imperial German Navy.

But these were individual quirks, born of unique personalities. A beard ceases to command approbation when

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it becomes a mindless trend statement. One recalls those who, in the 1980s, slavishly aped the five o'clock shadow of Crockett and Tubbs on *Miami Vice*. At one point, Wahl marketed a particular brand of electric trimmer called "The Miami Device." Designed to achieve stubbly conformity, the gizmo quickly flopped, thereby proving the unworthiness of hoary imitation.

There is nothing wrong with a man going through beard phases according to the dictates of his conscience. "I grew the beard originally because I had been restless and dissatisfied with myself," the essayist Phillip Lopate once wrote.

"I shaved it for the same reason." Fair enough. One of these days I may do the same. But beards are not masscult phenomena to be treated lightly. They are individual statements of persona. They should be coaxed into organic life and worn accordingly. Their lovely lines are not to be emulated without reason. That way lies redundancy at best and mortification at worst.

Allan Peterkin put it well in *One Thousand Beards*: "Once your dentist has a goatee, it's time to change your look." For my part, I will, by my own hand, skin any man who says otherwise, and by the hair of his chinny chin chin. ♦



Without Smarminess

C.S. Lewis as seen from his old hometown.

BY FRANK FREEMAN

There is always a danger in bringing up C.S. Lewis in a conversation with people you do not know well. As a professor once told me, "most people either love him or hate him." And sometimes the ones who hate him have not read him very well or deeply. When I proposed doing a thesis on him in graduate school, the professor who covered 20th-century English literature said to me something along the lines of: Wasn't Lewis a fascist during the war—I mean, all that stuff about the lion coming to save the day, the appeal to authority?

I didn't know where to start with such ignorance. But there is a danger also in talking with (or reading) those who love Lewis. They are apt to call him "Jack," as if they knew him all their lives, and they can't stop quoting him. The word smarmy describes some of these acolytes, and I used to be a bit smarmy myself in my younger days.

Of course, Lewis was a great prose stylist in his literary criticism: John

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C.S. Lewis and His Circle
Essays and Memoirs from the
Oxford C.S. Lewis Society
edited by Roger White, Judith Wolfe,
and Brendan Wolfe
Oxford, 288 pp., \$29.95

Wain, no admirer of J.R.R. Tolkien's work or Lewis's science fiction/fantasy, claims in an essay in this volume that "Lewis is the best writer of expository prose that modern England has to show." So for one who is familiar with him, it is easy to quote him; and as I've read now more than once, it always seems that Lewis has gotten "there" before you, and said it better than you ever could.

The refreshing thing about *C.S. Lewis and His Circle* is that the transcribed talks given to the Oxford C.S. Lewis Society, which began in 1982 and are included here, almost always avoid the smarminess. It is refreshing to read Tom Shippey say that "although I admire Lewis and Tolkien very much, there are times when both of them get on my nerves." Refreshing, as well, to

read Archbishop Rowan Williams talking about the strengths and weaknesses of *That Hideous Strength*, the third volume of Lewis's science fiction trilogy. And John Wain balances out the story of Lewis and his brother Warnie by focusing on Warnie, revealed here as the charming, courteous, and unambitious man he was.

It is difficult to say which essays, which memoirs, are most enjoyable, but two come to mind: "W.H. Auden and the Inklings" by Michael Piret, dean of divinity at Magdalen College, Oxford, and "Marrying C.S. Lewis" by the Anglican priest Peter Bide. Here is Piret on Auden, who returned to the Anglican fold partly because of the works of Lewis and Charles Williams, and who was a great admirer of Tolkien's *Lord of the Rings* despite the hectoring of Edmund Wilson:

If there is a single word or idea that can focus for us the nature of Auden's affinities with the Inklings and his attraction to them, I think it is exactly this idea of the *Quest*. For him it was a quest for meaning amidst chaos, a quest to ground moral instinct and judgement in metaphysical reality, a quest for authentic love and faith, a quest to transcend self-regard, and imprisonment within the limits of present apprehension as it can shut down around us.

And here is Bide discussing how he married Lewis and Joy Davidman:

It made me very cross that there have been about six different treatments of this episode in the course of the last ten years and nobody has ever come and asked me what happened. It strikes me as absolutely extraordinary. A.N. Wilson went all the way to America to talk to somebody who had talked to me: an expensive journey, when he could have walked down the road and found me himself. It's a very odd thing, but now you know what the truth is.

And that is the main thing, what Lewis was all about—whether you agree with him or not—and what this book is about: Lewis wanted to know the truth about the universe, and he described his quest for this truth with brilliance, imagination, and what he himself called his "bow-wow dogmatism." ♦

**"Paul Ryan tells House Republicans he's willing to run,
if conditions are met"**
—Washington Post headline, October 20, 2015

PARODY

NOVEMBER 13, 2015

HOUSE GOP CHAFES UNDER 'RYAN RULES'

Cheeseheads in the Chamber

By THOMAS MORELLO

WASHINGTON — GOP Rep. Jim Sensenbrenner has always considered himself an ally of Paul Ryan, the newly elected speaker of the House—at least until now. Under the provisions of the "Ryan Rules," which set out the conditions for Mr. Ryan to take the helm, Mr. Sensenbrenner must now show up every morning at 6 a.m. for a rigorous P90X workout. And Mr. Ryan supposedly takes attendance.

"I knew Paul when he was this upstart wonk. Now suddenly he's telling me to do squats and lifts and all this PT-109 business," complained Mr. Sensenbrenner. In one particularly heated session, Mr. Ryan told the 72-year-old Wisconsinite that "if you want the kringle, you gotta do the crunches." (O&H Danish Kringles are now available at all House cafeterias.)

Mr. Sensenbrenner isn't alone. Rep. Mick Mulvaney, a Freedom Caucus member from South Carolina, said he isn't a fan of the music that now plays whenever Mr. Ryan enters the chamber. "It's just not my cup of tea," he explained in reference to the song "Killing in the Name" by Rage Against the Machine. "One time they played the 'F— You' version, and that was a bit much." On the other hand, New York Democrat Charles Rangel didn't seem to mind it. "Yeah, I kind of dig it," said the congressman.

What Rep. Peter Roskam finds bothersome are the cheeseheads. "You shouldn't be able to wear those God-awful things in the chamber or anywhere, for that matter," said the Illinois congressman. On one occasion, when Mr. Roskam refused



Mike Matus

Outside a House office building, a congressional staff member protests the replacement of hamburgers with Wisconsin bratwursts.

to yield his time, Ryan said the only way to continue was by wearing a cheesehead. "It was humiliating," he said. In addition, every floor speech must end with "All hail, Aaron Rodgers."

While not wanting to be quoted, several Republicans also voiced concerns about the upcoming House retreat. Instead of the Greenbrier resort in West Virginia, Ryan is planning a camping weekend in Oklahoma and encouraged his fellow members to bring their rifles, Bowie knives, bows, and

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